



ANNUAL REPORT | 2007-2008



About us

Legal Aid NSW is the largest legal aid agency in Australia.

We provide a range of legal services to socially and economically disadvantaged people through our Central Sydney office and 21 regional offices around NSW.

We also work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients.

We are an independent statutory body which reports to the NSW Attorney General, The Hon John Hatzistergos.

LETTER OF SUBMISSION

The Hon John Hatzistergos MLC
NSW Attorney General, Minister for Justice
and Minister for Industrial Relations

Governor Macquarie Tower
Sydney, New South Wales

Dear Attorney

In accordance with Section 13(1) of the *Legal Aid Commission Act 1979*, and Section 10(1) of the *Annual Reports (Statutory Bodies) Act 1984*, I am pleased to provide you with the 2007-2008 Annual Report for Legal Aid NSW.

Mr Bill Grant was Chief Executive Officer of Legal Aid NSW from July 2007 to December 2007. From January 2008 to June 2008, Mr Steve O'Connor was Acting Chief Executive Officer. In recognition of this, the report includes a foreword from Mr O'Connor highlighting major events and achievements for Legal Aid NSW during the year. Your Performance Statement in relation to Mr O'Connor is included on page 126 of this report.

This report reviews our performance and illustrates the commitment and achievements of our staff throughout the year.

I commend the report to you for presentation to Parliament.

Yours sincerely



Alan Kirkland
Chief Executive Officer
Legal Aid NSW

7 October 2008

OUR MISSION

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

OUR VISION

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

OUR VALUES

Integrity: Acting ethically at all times

Professionalism: Providing high quality services

Efficiency: Using resources responsibly

Equity: Ensuring equal access to services

Innovation: Finding better ways to do things

About this report

This annual report reviews and reports our performance, including what we set out to do in our 2007–2008 Corporate Plan, based on four key goals.

A special focus this year is providing new services to priority client groups. The work being done to deliver better legal services in regional areas through effective partnerships with other legal service providers is another focus.

In this report we refer to ourselves as Legal Aid NSW. Our organisation was established under the *Legal Aid Commission Act 1979*; however the Board endorsed the name Legal Aid NSW in 2006–2007.

Last year’s annual report was awarded a Gold Award by the Australasian Reporting Awards Inc. This was our first Gold Award after three consecutive Silver Awards.

The report also received special commendation in the Annual Reports category of the 2007 Premier’s Public Sector Awards.

This is our 29th annual report.

This report and other Legal Aid NSW publications can be downloaded from the Legal Aid NSW website at: www.legalaid.nsw.gov.au

Printed copies can be obtained by contacting us on 9219 5028 or from any of our offices.

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Photo: Danti Pontes

The Aboriginal Justice Committee, made up of staff and external experts, guides the delivery of services to Aboriginal clients (page 13). Pictured standing L to R are Alexia Daunt, Dora Dimos and Brian Sandland; seated L to R are Judith Walker, Chelsea Stewart, Scott Hawkins and Richard Funston. Absent from the photo are Steve O’Connor, Monique Hitter, Anmarie Lumsden, Mary Whitehead and Kelly Smith from Legal Aid NSW. Absent external partners are Terry Chenery, Aboriginal Justice Advisory Council; Trevor Christian, Aboriginal Legal Service (NSW/ACT); and Renee Williamson, Combined Community Legal Centres’ Group.

Chairman's report



This Annual Report for 2007-2008 confirms the achievements of Legal Aid NSW in delivering innovative, high quality legal services, forging strong partnerships to improve access to justice, continuously improving organisational capacity, and promoting a fair and inclusive justice environment.

This year Legal Aid NSW conducted reviews of its Client Assessment and Referral Unit, Children's Legal Service, Civil Law Outreach Services at Aboriginal Legal Service (NSW/ACT) offices throughout NSW, and Civil Law Policies as part of our program of reviewing service delivery strategies and policies to ensure that they meet client needs.

Significantly, from 3 September 2007 our means test thresholds were adjusted to reflect the increase in the cost of living.

In August 2007, the Cooperative Legal Service Delivery (CLSD) Program was rolled out to the Central Tablelands and the Central Coast, bringing the number of CLSD regions to six. As recommended in the evaluation report, Regional Coordinators have been appointed for each region to provide local coordination support.

In October 2007, Legal Aid NSW launched the Judge Bob Bellea Legal Careers Pathways Program. This program is

Many services and policies were reviewed this year to ensure that they meet client needs.

an important aspect of our Aboriginal Strategy. It provides for two undergraduate legal cadetships, two professional legal placements followed by six months temporary employment as an admitted solicitor, and two graduate positions within the career development program, as well as scholarships for two Aboriginal secondary students to help them pursue their studies in Years 11 and 12.

Legal Aid NSW staff are actively engaged in law reform projects both within the organisation and as members of external committees and forums. Legal Aid NSW is, for example, a member of the NSW Legal Assistance Forum, a coalition promoting collaboration and coordination in the development of legal services for socially and economically disadvantaged people.

An exciting project started this year, is the development of eligibility indicators for legal aid that reflect theories of social inclusion as a measure of social vulnerability.

Legal Aid NSW has also continued to implement recommendations of the report of the NSW Audit Office of its performance audit on *The Distribution of Legal Aid*, tabled in Parliament in December 2006.

Thank you

Bill Grant, Chief Executive Officer left Legal Aid NSW at the end of 2007 having been appointed as Chief Executive Officer in 2001. The legacy of his seven years was that Bill left the organisation with a sound strategic framework, expanded services to our

clients, more innovative and accessible service delivery strategies, an expanded means test, higher fees for private lawyers, more solid partnerships with other public legal service providers, a higher profile as a significant player within the justice system, and a sound financial position. I would like to thank Bill for his leadership and dedication.

I would also like to thank Steve O'Connor for the excellent job he has done while acting as Chief Executive Officer for the remainder of the year.

I would like to congratulate the Legal Aid NSW annual report team on winning a Gold Award in the Australasian Reporting Awards 2008. This is an excellent example of the commitment and dedication that Legal Aid NSW staff demonstrate in carrying out their work.

I thank Legal Aid staff for the hard work and commitment to our clients in 2007-2008 and look forward to another challenging and successful year ahead.



**Phillip Taylor
Chairman
Legal Aid NSW**

CEO's report



I am pleased to present the Legal Aid NSW Annual Report for 2007–2008, a year in which Legal Aid NSW has continued to increase the number of services provided to our clients, the socially and economically disadvantaged members of our community, and to improve the range and accessibility of those services.

Delivering quality services

Legal Aid NSW staff, in partnership with the private profession, have achieved an 8.5% increase in the number of legal services provided to our clients compared to last year, and an 80.6% increase over the last five years.

Legal Aid NSW has also been successful in expanding the range and accessibility of services to meet the needs of our clients, focusing on older people, homeless people, Aboriginal people and communities, and people with a mental illness as priority client groups.

In April 2008, the NSW Attorney General launched the Older Person's Legal and Education Program, a two-year pilot conducted by the Older Person's Legal and Education Unit in partnership with the Aged-care Rights Service.

For homeless people, following a successful pilot advice and minor assistance clinic at Parramatta Mission, Legal Aid NSW established a network of regional and rural clinics providing legal services at locations they frequently visit.

We increased our legal services to clients by 8.5% —this includes new programs for priority client groups and better services in regional areas.

A central initiative to meet the legal needs of Aboriginal people and communities is the Aboriginal Justice Strategy, developed to guide service delivery across the program areas.

For people with a mental illness, in partnership with the Criminal Justice Research Network, Legal Aid NSW developed Mental Health Links for Lawyers, a central online information source of mental health services launched by the NSW Attorney General in October 2007.

Working with our partners

This year, Legal Aid NSW implemented its Regional Solicitor Program as a way of improving the availability of legal aid services to communities in regional NSW. A 12-month evaluation of the Program is underway.

Legal Aid NSW has continued to strengthen its partnership with the Aboriginal Legal Service (NSW/ACT), and built new partnerships with peak Aboriginal organisations, including the Aboriginal Justice Advisory Council, Aboriginal Education Consultative Group, Aboriginal Child, Family Community Care State Secretariat, and Aboriginal Health and Medical Research Council.

Building organisational capacity

Legal Aid NSW is in the process of introducing new technology to enhance our business processes and reporting. Our new case management system has now been rolled out across all practice areas. We have also taken significant steps towards implementing our new grants management system.

Promoting fairness and opportunity

Initiated by Legal Aid NSW, National Legal Aid has commissioned the Law and Justice Foundation of NSW to conduct a national legal needs survey. This research will assist legal aid commissions throughout Australia to make decisions about the quantity, location and structure of legal services. It will also provide the comprehensive research that is necessary to inform policy at both the Commonwealth and State/Territory level for providing equitable access to legal aid. A preliminary report will be provided in December 2008, and the final report will be available in April 2010.

The year ahead

We will start developing a comprehensive knowledge management framework, and reviewing performance and strategic management mechanisms.

I would like to thank Legal Aid NSW staff for their dedication and commitment and look forward to another year of delivering innovative, high quality legal services to our clients and the community.

Steve O'Connor
Acting CEO
(January to June 2008)
Legal Aid NSW

Fact file

BUDGET

Our total income was \$215.013 million and we spent \$204.054million.

Of our total expenditure, 50.4% was spent in criminal law, 31.6% in family law, 9.7% in civil law and 8.3% in community programs (Community Legal Centres Funding Program and Women's Domestic Violence Court Advocacy Program).

See page 62 for details about where our funds come from and how we spend them, and pages 127 and 128 for our community program funding.

PEOPLE

We employed the equivalent of 784.8 full time staff— 337.0 in regional offices and 447.8 in the Central Sydney office. Of that total, 369.1 were lawyers and 415.7 were employed in clerical and professional roles.

Sixty-nine lawyers have specialist accreditation (Law Society of NSW qualifications for expertise in their field).

DIVISIONS

Our organisation has four divisions – Legal Services, Grants, Business and Client Services, and Strategic Planning and Policy. Within Legal Services there are three legal practices – civil law, family law and criminal law (pages 16-22). Within each legal practice there are a number of specialist services (page 6). See organisational chart on page 57.

PERFORMANCE

The operations of Legal Aid NSW are guided by a number of plans, including our Corporate Plan, Results and Services Plan, Information and Communication Technology Strategic Plan, Total Assets Management Plan, and divisional strategic business plans. Our Key Performance Indicators measure how well we are performing in accomplishing our corporate goals. See page 10 for our Key Performance Indicators and pages 8–9 for our Corporate Plan and summary of future goals.

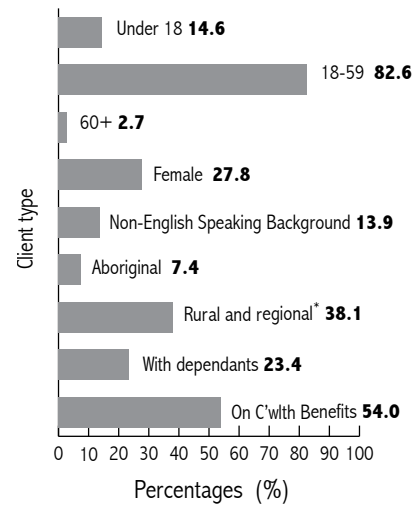
BOARD AND DIRECTORS

An independent Board oversees Legal Aid NSW long-term strategic direction, whilst the day-to-day management is overseen by the Chief Executive Officer, assisted by an Executive team of seven directors. See pages 54 and 56 for their profiles and achievements.

PRIVATE LAWYERS

In 2007–2008, 47.2% of our case and duty services were provided by private lawyers (page 138). These are called assigned matters.

CLIENT PROFILE LEGAL AID NSW BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



* Includes Newcastle and Wollongong

**WE PROVIDED 641,884
CLIENT SERVICES, AN
8.5% INCREASE ON
LAST YEAR.**

TOTAL CLIENT SERVICES IN 2007-2008: 641,884

Total Legal Representation: 65,308

Inhouse: 40,535

Assigned: 24,773

Total Duty Appearances: 132,371

Inhouse: 63,910

Assigned: 68,461

Total Other Services: 444,205

Information Services: 361,736

Legal Advice: 76,404

Minor Assistance: 6,065

Highlights and plans at a glance

2007–2008 was another successful year in client service delivery. We exceeded many of the targets set by our 2007–2008 Corporate Plan, business plans and key performance indicators.

DELIVERING QUALITY SERVICES

Provided 641,884 client services, an 8.5% increase on last year and an 80.6% increase over five years (page 135).

Represented clients in 65,308 matters – a 6.7% increase on last year (page 135).

Expanded civil law services in six regional offices (pages 16, 55).

Increased means test thresholds to reflect the higher cost of living (page 49).

Launched new programs for priority client groups (pages 13–15).

Provided 42,194 services to women seeking Apprehended Domestic Violence Orders (page 34).

Delivered 783 community legal education sessions, a 23.7% increase from 2006–2007 (page 24).

Conducted mediations in 2,527 family disputes with full or partial settlement reached in 85.3% of them (page 18).

Produced *Burn*, a crime prevention film for young people (pages 12, 24).

Responded quickly to emerging issues by providing information forums in flood and storm-affected regional

and metropolitan areas and held forums on surviving the mortgage crisis (page 25).

WORKING WITH OUR PARTNERS

Recorded a service boost in regional areas through effective partnership projects (pages 30–31).

Provided statewide training in new child support laws (photo below and page 37).

Came closer to providing a more user-friendly workable fee structure (page 36).

Embarked on several key projects with community legal centres and Aboriginal organisations (pages 33, 37).

BUILDING ORGANISATIONAL CAPABILITY

Increased the percentage of Aboriginal staff to 3.4%, above our target of 2% (page 41).

Employed 85 new people – 49.4% in regional offices (page 39).

Appointed women as Solicitors-in-Charge of six regional offices (page 42).

Offered a cross-cultural training course which was attended by 194 people (page 40).

Completed reviews in four key service areas (pages 22, 44, 47).

Developed new computerised case and grants management systems (page 45).

PROMOTING FAIRNESS AND OPPORTUNITY

Made 43 law reform submissions (page 134).

Took part in a national legal needs survey (page 49).

Commissioned a research project to identify Aboriginal legal needs (page 49).

Developed a statewide community legal education program for prisoners, including six DVDs (pages 12, 15, 24).

Launched the initiative, *Mental Health Links for Lawyers* (page 51).

The year ahead

We will focus on:

- services for priority client groups (pages 13–15);
- regional programs and outreach services (page 32);
- resources for unrepresented litigants (pages 17, 19); and
- services for Aboriginal communities (pages 14, 37).

Our organisational capability will be strengthened by:

- new case and grants management systems (page 47);
- an improved knowledge management framework (page 47); and
- Aboriginal cultural awareness training (page 44).



Family lawyer Ruth Pilkinton (second from right, front row) visited Canterbury Bankstown Migrant Resource Centre to explain major changes in child support laws to local service providers.

Photo: Dani Portes

Our services at a glance

We provide information, advice, minor assistance, representation and community legal education to our clients.

These pages provide an overview of our client services followed by a summary of this year's client service delivery highlights.

Legal Aid NSW has three legal practice areas: Family Law, Civil Law and Criminal Law.

On pages 16–22 you will find information showing how each area met its performance criteria, with Major achievements, case reports and performance statistics featured.

INFORMATION

Provided 361,736 information services, an increase of 12.1% on last year. See page 135.

Our legal information services are free and can be accessed by the general community. Our staff can help with any initial inquiries about a legal problem and legal processes, and provide written information to help clients understand their situation and the availability of legal aid. Our staff help clients work out what to do next, and the best place to go if they need further assistance.

YOUTH HOTLINE

Answered 22,996 calls to the hotline, advising 8,662 young people about their legal rights.

Our telephone hotline provides legal advice to young people under 18 who are in trouble with the police. The services operate from 9am to midnight on weekdays, with a 24-hour service from Friday to Sunday and on public holidays (page 21).

LEGAL ADVICE AND MINOR ASSISTANCE

Provided 82,469 advice and minor assistance services. See table on page 135.

Legal advice is available for free to all our clients over the phone, face-to-face and through video-conferencing.

Our lawyers help clients to identify their problem, inform them of their legal rights and obligations and help them to understand what course of action can be taken.

Lawyers may also draft letters or other documents for clients and make telephone calls on their behalf to help resolve their problem.

LEGAL REPRESENTATION

Provided representation in 65,308 matters (40,535 inhouse and 24,773 assigned), an increase of 6.7% on last year. Full table on page 135.

Legal Aid NSW provides legal representation to people who meet its eligibility tests in criminal law, family law and civil law matters. See Policies in Brief on pages 142-144. Clients need to apply for legal aid using our Legal Aid application form. Generally, only people with income and assets below a certain level can obtain legal aid. Most people granted legal aid are required to pay a small contribution towards the costs of their legal representation.

SPECIALIST SERVICES

Expanded the Prisoners Legal Service and Mental Health Advocacy Service (page 15).

Our specialist services are staffed by experienced lawyers who are experts in particular areas of law. Services include:

- Adult Drug Court
- Child Support Service
- Child Care and Protection Legal Service
- Children's Legal Service (criminal matters)
- Client Assessment and Referral Unit
- Coronial Inquest Unit
- Mental Health Advocacy Service
- Prisoners Legal Service
- Veterans' Advocacy Service
- Youth Drug and Alcohol Court



Lawyer Mary Lovelock speaks to residents of a Gosford retirement village about elder rights.

DUTY SOLICITOR SERVICES

Made a total of 132,371 duty appearances (63,910 of these were inhouse and 68,461 were assigned to private lawyers), an increase of 7.1% on last year. See table on page 135.

Legal Aid NSW provides lawyers (called duty solicitors) to help people at court. The duty solicitor service is free.

Duty solicitors act for people appearing in all local courts throughout NSW on a criminal charge for the first time, who have no-one to represent them. Usually the duty solicitor will give some initial legal advice and apply for bail, or for the case to be adjourned so the client can obtain legal advice and representation. The duty solicitor can also help people apply for legal aid.

Legal Aid NSW provides duty solicitor services for people involved in proceedings under the *Family Law Act* and the Child Support Scheme. These services include providing advice and information, completing standard documents, and representation based on the Scheme's guidelines. These services are provided across the state in the Family and Federal Magistrates Courts.

Legal Aid NSW provides duty solicitor services for children and adults involved in care and protection matters at every specialist Children's Court in NSW, and at many regional courts when they sit as Children's Courts. The duty solicitor acts for either the children or the parents (or other eligible adults) on the first day that the case is heard by the Magistrate and, wherever possible, applies for a grant of legal aid to continue to act as the lawyer for that client in the ongoing matter.



Photo: Danti Pontes

The Chinese Family Law Expo that took place at Campsie in April 2008 was an ideal forum for Bankstown Legal Aid office to meet members of the Chinese community and provide information to them about our services.

Legal Aid NSW also provides duty solicitor services for people with a mental illness. Our Mental Health Advocacy Service provides duty services before magistrates in psychiatric hospitals and mental health review tribunals.

FAMILY DISPUTE RESOLUTION

Held 2,527 conferences, reaching full or partial settlement in 85.3%. Full table on page 138.

We provide family dispute resolution (FDR) conferences in family law matters to facilitate the resolution of disputes at an early stage. See pages 18 and 138 for details. Parties are given the opportunity to negotiate a settlement which suits them both, without the need to go to court. If a settlement is reached, consent orders may be drafted and filed in the Family Court or Federal Magistrates Court. At least one of the parties must have a grant of legal aid before a conference is organised.

COMMUNITY LEGAL EDUCATION AND PUBLICATIONS

Increased our community legal education sessions by 23.7% and distributed 13,517 more publications than last year. See pages 129, 138.

We provide free publications and legal information kits to people in NSW to help them understand their legal rights and responsibilities. We conduct information sessions at venues across NSW. The sessions can be tailored to suit the needs of particular groups (page 24).

A full list of publications appears on page 129.

Corporate plan 2007–2008

| KEY GOAL | STRATEGIES FOR 2007–2008 |
|---|---|
| <p>1</p> <p>DELIVERING QUALITY SERVICES</p> <p>Provide consistent and equitable access to high quality services</p> | <p>Improve our understanding of the range of legal problems faced by our clients, including the most disadvantaged clients, and consider ways in which we can better meet their needs</p> <p>Respond to the information and education needs of unrepresented litigants</p> <p>Promote community legal education and publications as an integrated and coordinated core service</p> <p>Regularly review service delivery strategies and policies to ensure they meet client needs</p> <p>Develop state-wide service delivery strategies in response to domestic violence</p> <p>Develop and implement an organisation-wide framework for effective and appropriate service delivery to Aboriginal people including the identification of legal needs</p> |
| <p>2</p> <p>WORKING WITH OUR PARTNERS</p> <p>Develop our relationships with other organisations to improve access to justice</p> | <p>Continue to strengthen Legal Aid NSW relationship with private practitioners</p> <p>Promote effective partnerships with other service providers through co-ordinated and co-operative models of service delivery</p> <p>Forge new opportunities to work in partnership with community legal centres in delivering legal services</p> <p>In association with our partners improve the access of regional and remote communities to a wider range of legal services</p> <p>Promote the availability of services to Aboriginal clients and communities in partnership with Aboriginal organisations and communities</p> |
| <p>3</p> <p>BUILDING ORGANISATIONAL CAPABILITY</p> <p>Pursue continuous improvement across the organisation</p> | <p>Position the organisation to adopt a new case management system (CASES) and a new grants management system (ATLAS)</p> <p>Ensure staff have access to training for ongoing professional development</p> <p>Market Legal Aid NSW as an employer of choice for highly skilled and motivated people</p> <p>Review and re-develop Legal Aid NSW internet and intranet sites</p> |
| <p>4</p> <p>PROMOTING FAIRNESS AND OPPORTUNITY</p> <p>Promote a fair and inclusive justice environment</p> | <p>Identify opportunities to improve access to justice</p> <p>Cooperate with other agencies to better understand levels of unmet legal need</p> <p>Identify and participate in research, policy and service delivery initiatives that will uphold and strengthen the protection of rights, including the rights of Aboriginal people, within the justice system</p> <p>Promote a better understanding of the needs of people suffering from mental illness within the justice system</p> |

KEY TARGETS FOR 2007–2008

Develop priority client group strategies for older persons, homeless people, Aboriginal people and communities, and people with a mental illness (page 13-15).

Produce legal education kits addressing at least one specific need linked to each program, and a timetable for education sessions (pages 15, 18, 21, 25).

Implement recommendations of the community legal education/publications review (pages 24, 45).

Undertake reviews of Client Assessment & Referral and Children's Legal Service (pages 21, 22).

Undertake review of civil law policies (pages 49, 55).

Develop a domestic violence response strategy (page 15).

Develop an Aboriginal Justice Strategy to guide our service delivery to Aboriginal clients (page 13).

Review the fee structure, adopt a methodology for reviewing fees, and draft a fees chapter for Legal Aid NSW policies online (page 36).

Roll out Cooperative Legal Service Delivery to two new regions (page 31).

Develop two new service delivery initiatives with community legal centres (page 33).

Undertake interim evaluation of the Regional Solicitor Program (page 30).

Develop two service delivery initiatives in partnership with Aboriginal organisations (page 37).

Ensure all program staff are trained and are effectively using CASES (page 45).

Complete development of ATLAS (page 45).

Undertake a review of the training unit including the co-ordination of training/learning initiatives across the organisation (page 44).

Develop and implement e-Learning (page 40).

Review the Career Development Program (page 44).

Develop an Aboriginal Employment Strategy (page 41).

Develop and implement an intranet and internet strategy (page 45).

Work with other agencies to develop a community legal education package for prisoners (pages 15, 24).

In association with National Legal Aid and the NSW Law and Justice Foundation undertake a national legal needs study (page 49).

Commission a research project to identify Aboriginal legal needs and to develop strategies to address them in the areas of civil and family law (page 49).

Work with our service delivery partners to develop two initiatives to meet the needs of clients with mental illness (pages 50, 51).

FUTURE GOALS 2008–2009

Develop and implement comprehensive, targeted strategies that will address the legal needs of people with a mental illness.

Develop responses and implement a plan of action from the Special Commission of Inquiry into Child Protection Services in NSW to advance the care and protection of children.

Develop targeted community legal education programs to respond to the needs of unrepresented litigants.

Identify and implement improved services for priority clients in collaboration with community legal centres.

Improve the effectiveness of collaboration with non-legal service providers, particularly in regional and remote communities.

Implement, monitor and support the roll-out of the new case management, grants management and document management systems.

Commence development of comprehensive knowledge management framework to improve Legal Aid NSW efficiency.

Review and consolidate performance measurement and strategic planning mechanisms.

Implement a comprehensive service delivery strategy in response to domestic violence.

Develop service delivery strategies to meet the civil and family law needs of Aboriginal people.

Key performance indicators

MEASURING PERFORMANCE

In 2007-2008 Legal Aid NSW continued to achieve strong results against its Key Performance Indicators (KPIs), which reflect the volume, timeliness, accessibility and quality of its services to the community.

Legal Aid NSW works with other justice agencies to achieve a fair, equitable and

efficient justice system where socially and economically disadvantaged people enjoy equal access to legal services.

Our services—including advice, representation, information services and community legal education—all contribute to these results. Key Performance Indicators measure our overall performance in fulfilling our corporate charter, as distinct from our corporate plans, which set out what we intend

to achieve by following specific strategies during given time periods.

A copy of our Corporate Plan for 2007-2008 is on pages 8-9.

In 2008-2009 we will determine the best alignment between our performance measurement and strategic results as part of a review of our strategic planning mechanisms.

| PERFORMANCE AREA | KEY PERFORMANCE INDICATORS | | |
|---|----------------------------|---|---------------------------------------|
| | RESULT 05-06 | RESULT 06-07 | RESULT 07-08 |
| Community awareness of legal rights and responsibilities | | | |
| Percentage of clients satisfied with quality of advice provided | 86-92% | N/A (survey not conducted during 2006-07) | Survey to be conducted during 2008-09 |
| Average waiting time for advice appointments | 1.1 weeks | 0.86 weeks | 1 week |
| Number of information services provided | 242,011 | 322,774 | 361,736 |
| Rate per 100,000 of NSW population accessing information services | 3,534 | 4,666 | 5,177 |
| Number of advice and minor assistance services provided | 80,052 | 84,122 | 82,469 |
| Rate per 100,000 of NSW population accessing advice and minor assistance services | 1,169 | 1,216 | 1,180 |
| Number of publications distributed | 289,778 | 368,888 | 382,405 |
| Rate per 100,000 of people accessing publications | 4,230 | 5,320 | 5,472 |
| Accessibility of legal aid | | | |
| Means test income limit as a % of national minimum weekly wage | 44.6% | 52.6% | 60.9% |
| Percentage of Local Court sittings services by duty solicitor schemes | 100% | 100% | 100% |
| Representation service standards | | | |
| Percentage of satisfactory comprehensive inhouse file reviews | 99.3% | 97% | 96% |
| Number of Legal Aid NSW lawyers with specialist accreditation | 72 | 72 | 69 |
| Number of Legal Aid NSW lawyers' attendances at training sessions | 1,652 | 2,327 | 2,060 |
| Number of private lawyers attending Legal Aid NSW training sessions | 488 | 820 | 960 |



DELIVERING QUALITY SERVICES

Provide consistent and equitable access to high quality services

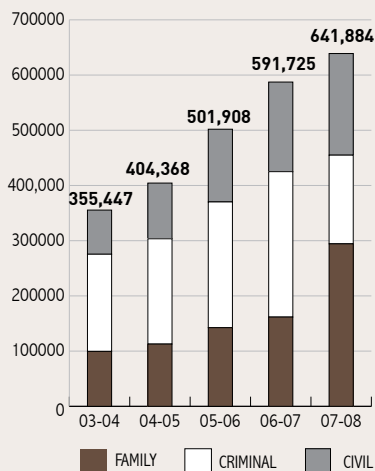
Left: Lawyer John Truswell guides local people in understanding their insurance contract following hailstorms in Western Sydney (page 25).

Key achievements

- Provided additional services for four priority client groups
- Expanded services in legal program areas
- Completed a number of successful public interest cases

We provided 641,884 client services, an 8.5% increase on last year and an 80.6% increase over five years.

TOTAL CLIENT SERVICES BY LAW TYPE 5 YEAR TREND



*Client services include legal advice, minor assistance, legal representation, duty appearances and information services (community legal education is excluded).

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Communicating with our clients

Legal Aid NSW understands the importance of addressing cultural, linguistic, literacy and other potential barriers to communicating with our clients.

The power of film

Research shows that the audio-visual medium is a powerful way of communicating, particularly with disadvantaged clients whose literacy levels are low. It also appeals to those young people who enjoy learning through multimedia and interactive websites.

We chose film and radio this year to get our message across to key client groups.

Prisoners

Legal Aid NSW developed a statewide community legal education program, including six DVDs, for use in gaols (page 24). The aim of the series of DVDs—*Back on Track*—is to help prisoners and gaol staff identify legal issues commonly encountered by prisoners. The DVDs cover issues such as debt, fines, tenancy, care and protection, and understanding the criminal legal system. They explain legal options and where prisoners can turn to for help.

Young people

We engaged a production company to produce an interactive DVD, *Burn*, and website explaining the law around complicity and the complex emotions involved in group offending. The DVD grew from a school education program aimed at preventing young people from becoming involved in criminal acts (page 24).

Audio CD-ROM

During 2006–2007, Legal Aid NSW produced its first audio CD-ROM—*Welcome to Legal Aid*—for people with low literacy skills in newly emerging African and Middle Eastern communities. Due to its popularity, we released a second version this year, introducing Arabic and Juba Arabic languages.

Radio

Together with Redfern Legal Centre, we developed a series of radio plays to help young people learn about civil law issues (page 25).

Finding out what people need from us

In cooperation with National Legal Aid, Legal Aid NSW has engaged the Law and Justice Foundation of NSW to conduct a national legal needs survey. This will be the first comprehensive survey of legal needs in Australia (page 49).

The year ahead

The results of the national legal needs survey will be used to inform our policy, service delivery and funding reform for years to come.

In 2008–2009, our biennial NSW client survey will focus on clients using civil law services; it will include representation from: Aboriginal clients, culturally and linguistically diverse communities, older people, and residents in regional and remote areas. The survey will involve direct interviews with members of the public.

We will extend our complaints-handling system so that people will be able to quickly and conveniently lodge complaints online and by email (page 60).

Using webcams, we will deliver classes on pleading guilty to drink driving and do-it-yourself divorce—an important initiative for unrepresented litigants and people living in regional and remote areas.

The 30-minute drama *Burn* and the interactive website will be used as crime prevention resources throughout NSW in 2008–2009.

The NSW Attorney General will launch *Back on Track* in September 2008 and workshops with prisoners will commence in October 2008.

The *Welcome to Legal Aid* CD-ROM will be used widely in community legal education sessions targeting Arabic and Juba Arabic-speaking communities.

Photo: Dani Pontes



Cast members and Legal Aid staff celebrate at a preview screening of the film, *Burn*.

Priority client groups

Legal Aid NSW identified four priority client groups so we can improve our understanding of the range of legal problems faced by some of our most disadvantaged clients, and consider ways in which we can better meet their needs.

Priority client group 1 Aboriginal people

Legal Aid NSW recognises that Aboriginal people are its most disadvantaged client group, and that we need to develop new ways of delivering services if we are to have any impact on addressing their legal needs. Our 2007–2008 Corporate Plan contains several initiatives that relate to improving the delivery of services to Aboriginal clients (page 9).

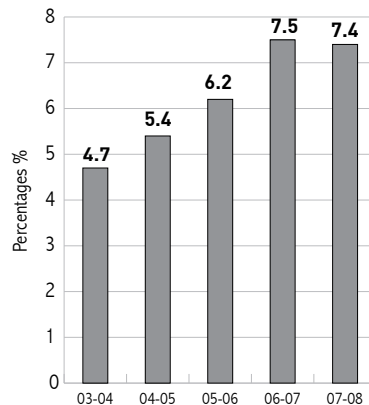
Our work in this area is guided by an Aboriginal Services Unit which was established in 2006, and an Aboriginal Justice Committee (AJC) made up of key staff and external experts (page 143 for role and membership). The AJC will help drive and monitor the implementation of the Aboriginal Justice Strategy (see below) and ensure that all practice and policy areas are on track.

Aboriginal Justice Strategy

Our Aboriginal Justice Strategy will guide our service delivery to Aboriginal clients. It sets clear guidelines for achieving fair and appropriate legal services for Aboriginal people; stronger communities through sustainable partnerships; a workforce more reflective of its Aboriginal client base; and programs that address unmet legal needs as identified by Aboriginal people—particularly in family and civil law.

The strategy will be central to making sure that all practice and policy areas achieve their target goals. Each area of Legal Aid NSW is committed to making a major contribution to Aboriginal service delivery

PERCENTAGE OF TOTAL CASE AND INHOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS
5 YEAR TREND



building on the *Memorandum of Understanding*, signed between the Aboriginal Legal Service (NSW/ACT) and Legal Aid NSW in December 2006 and the guide, *Making our Services Work for Aboriginal People*, which was developed in 2006.

Already, in 2007–2008, we have increased our outreach services to Aboriginal communities, developed stronger partnerships with the Aboriginal Legal Service, and reviewed our civil law outreach program.

Partnerships

A holistic response is required to address the extreme social disadvantage experienced by Aboriginal people. For that reason, innovative partnerships have been established with agencies not directly involved in the administration of justice in NSW. Issues relating to housing, health, education and employment all contribute to Aboriginal people's over representation in the NSW justice system. This has seen the Aboriginal Services Unit establish partnerships with agencies such as the Aboriginal Health and Medical Research Council, Tranby Aboriginal College, the Aboriginal Child, Family and Community

Care State Secretariat and the Aboriginal Education Consultative Group.

See page 37 for more details about partnership projects between Legal Aid NSW and the Aboriginal Legal Service.

NAIDOC and Yabun

Legal Aid NSW staff participated in many Aboriginal community events this year. During NAIDOC Week staff in Central Sydney, Liverpool, Parramatta, Gosford, Orange, Penrith and Blacktown celebrated Aboriginal culture through joint activities with other agencies. Legal Aid NSW held a stall at Yabun (survival day) festival in Victoria Park Broadway and at the Aboriginal Footy Knockout in Lismore, handing out legal information and generating good will. Gosford staff attended the Aboriginal Women's Corroboree in Wyong.



Gosford civil lawyer Susie Grey displays the range of resources Legal Aid NSW offered at the Aboriginal Women's Corroboree.

Outreach programs

Legal Aid NSW conducts family and civil law outreach in a number of Aboriginal communities. These outreach clinics at times also focus on particular areas of law, such as stolen wages or consumer issues.

We conduct regular civil law outreach at Aboriginal Legal Service offices in Redfern, Parramatta, Newcastle, Lismore, Wollongong and Nowra. A review in 2008 found that the services are effective, but should be strengthened and better coordinated. The recommendations identified ways to improve the coordination and delivery of outreach services (including their location and structural responsibility within Legal Aid NSW, and the development of appropriate liaison points with other organisations).

In June 2008, after extensive consultation with Aboriginal communities, Legal Aid NSW established a family law (care and protection) service at Mt Druitt. The service operates once a week in two locations. Civil law outreach also operates from one of these locations.

The year ahead

We will work with the Indigenous Womens' Program, Womens' Legal Services NSW and private practitioners in the Mt Druitt area to ensure a good referral network is established. This is important in assisting Aboriginal clients, who are sometimes reluctant to use the family law system.

Under the Aboriginal Justice Strategy we plan to increase the use of our services by Aboriginal people.

We will implement the recommendations of the review of civil law outreach services to Aboriginal communities.



Photo: Cubist Photographics

Acting CEO Steve O'Connor enjoyed a performance by the Older Women's Network Theatre Group at the launch of the new program for older people.

Priority client group 2 Older people

In December 2004 the Law and Justice Foundation of NSW published a report, *The Legal Needs of Older People in NSW*, which confirmed that older people have significant unmet legal needs, particularly in the area of civil law. In December 2007, Legal Aid NSW established an Older Persons Legal and Education Program with funding from the Public Purpose Fund. The Attorney General of NSW launched the Program on 7 April 2008. It comprises two components: a specialist unit within our Civil Law Division and funding (\$200,000) for the Aged-care Rights Service (TARS), a community legal centre.

The specialist unit at Legal Aid NSW consists of two lawyers and a paralegal who work very closely with TARS. The Program is a two-year pilot to improve access to legal education, legal advice, minor assistance and case work for older people, and build the capacity of the legal sector to respond to the legal needs of older people.

The year ahead

A series of fact sheets on legal issues for older people will be made available.

Community legal education sessions for older people will commence, with sessions for potential buyers and sellers of relocatable homes in residential parks in the northern rivers areas.

Priority will be given to older people within highly disadvantaged communities, including Aboriginal older people.

We will build networks with key non-legal service providers (such as home care and meals on wheels services) and develop an *Elder Law for Non-Lawyers* program for key support services working with older people, to assist them in identifying legal issues and making appropriate referrals.

Priority client group 3 Homeless people

In 2008, the Civil Law Division established a network of outreach clinics providing legal assistance to homeless people throughout NSW. These clinics are conducted in collaboration with the Homeless Persons Legal

Service (HPLS), an initiative of the Public Interest Advocacy Centre (PIAC) and the Public Interest Law Clearing House (PILCH). They are held at Coffs Harbour, Kempsey, Gosford, Newcastle, Wollongong, Nowra, Parramatta and Mt Druitt.

The clinics provide advice, minor assistance and legal representation services to homeless people as well as delivering community legal education to community workers on areas of law which are particularly relevant to the needs of homeless people. These include fines, debt, housing, mental health orders and social security). These clinics also work closely with welfare agencies to ensure non-legal needs can be addressed where possible. These clinics are designed to overcome some of the fundamental barriers faced by homeless people in accessing legal services by providing face-to-face legal services in locations that are familiar and frequently visited by homeless people.

The year ahead

We will consolidate services and expand outreach clinics to additional locations, with a special focus on homeless youth.

Priority client group 4 People with a mental illness

Legal Aid NSW operates a specialist unit, the Mental Health Advocacy Service (MHAS) based in Burwood which provides free legal advice and assistance about mental health law.

Inhouse lawyers and private practitioners share the role of representing people appearing before a Magistrate or the Mental Health Review Tribunal. Following the recommendations of a review in 2006, two additional staff were recruited to the MHAS.

In 2007 Legal Aid NSW also broadened its policies to

increase the coverage of mental health matters eligible for legal aid under the new *Mental Health Act*. Changes to Legal Aid NSW policy now means the MHAS provides representation in a large number of applications for community treatment orders. From 1 September 2007 to 30 June 2008, the MHAS provided 1,013 inhouse duty services in community treatment matters. A central online information source, *Mental Health Links for Lawyers*, was launched during Mental Health Week in October 2007 (page 51).

The year ahead

We will continue to address the legal needs of people with a mental illness through further targeted strategies.

MHAS will publish online policy and procedure manuals for induction and training of advocates in mental health matters.

Priority services identified in the Corporate Plan

Domestic violence response strategy

We commenced a review of Legal Aid NSW services to people in domestic violence matters. The aim of this review is to develop an integrated, organisation-wide service delivery strategy for people in domestic violence situations.

It includes a review of our criminal, family and civil law services to both victims and defendants (whether female or male) in domestic violence relationships, as defined under the *Crimes (Domestic and Personal Violence) Act 2007*, which includes people in married and de facto relationships, Aboriginal extended family members, carers and people living in residential facilities.

As part of the review, interviews have been conducted with Legal Aid NSW staff and a

number of relevant agencies in NSW, Victoria and Queensland. Submissions to the review have also been received.

The year ahead

We will implement a comprehensive service delivery strategy in response to domestic violence.

Prisoner education

Last year's review of our Prisoners Legal Service (PLS) recognised that it is important to provide legal services to prisoners outside the area of criminal law, as well as education initiatives to help reduce reoffending.

This year, the appointment of four additional lawyers to assist with the continuing growth in the prison population, meant we could provide a more holistic legal service to prisoners. Specialist family and civil lawyers appointed to the PLS are now able to provide advice and representation to prisoners in family and civil law matters.

Legal Aid NSW is developing a statewide legal education program in collaboration with the Department of Corrective Services. The aim of this program is to assist prisoners to resolve legal problems whilst they are in prison or on release, to maximise the chances of a successful reintegration into the community (page 24).

The year ahead

Legal Aid NSW will work closely with service delivery partners and other government agencies to improve access to legal services and help prisoners address legal needs as part of their overall rehabilitation and successful reintegration into the community. The workshops which will take place in gaols, based on the DVDs specifically developed for prisoners by Legal Aid NSW, will greatly assist in achieving this.

Civil law highlights

The Civil Law Division provides legal advice, minor assistance and legal representation services to people throughout NSW. It has unique expertise in 'poverty law' and is the largest civil law program of all legal aid commissions.

The Civil Law Division comprises a civil litigation practice based in Central Sydney and 13 smaller practices based in regional offices. The Division undertakes outreach clinics, particularly in areas where no civil legal services are available, including at a number of Aboriginal Legal Service offices.

Community legal education and law reform are other key roles (pages 12, 24, 25, 50, 134).

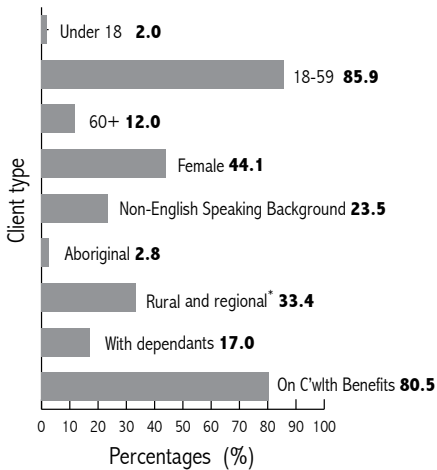
The Division has three specialist services: the Mental Health Advocacy Service; the Veterans' Advocacy Service; the Coronial Inquest Unit.

TOTAL EXPENDITURE: \$19.835M
STATE: \$14.884M
COMMONWEALTH: \$4.951M

9.7% of our overall budget was spent on civil law services.

CIVIL LAW CLIENT PROFILE

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



MAJOR ACHIEVEMENTS

Service expansion

The Board of Legal Aid NSW approved the expansion of the Civil Law Division in six regional offices, providing 10 additional legal officer positions. These additional positions are in response to unmet legal needs and high levels of disadvantage.

Specialist programs

In 2008, we established the Older Persons' Legal and Education Program and a network of outreach services for homeless people in eight metropolitan and regional locations (pages 14-15).

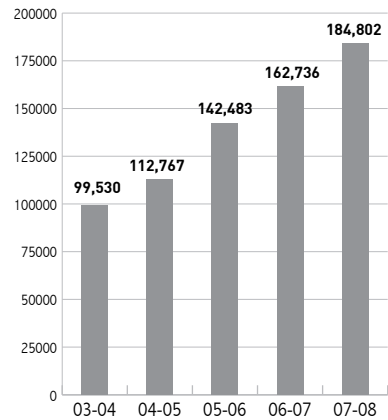
Policy review

We reviewed our policies so we could improve access to civil law services (page 49, 55). The review makes a number of recommendations that will improve access to civil law to those at most disadvantage.

False imprisonment cases

The Commonwealth Ombudsman recently completed an investigation into the alleged false imprisonment of 247 people who were either citizens, or lawfully resident in Australia at the time of their detention. Based on a suggestion from Legal Aid NSW, the Department of Immigration and Citizenship is writing to each detainee suggesting they receive legal advice before accepting any offers of settlement. We have established a 1800 number for

TOTAL CIVIL LAW CLIENT SERVICES 5 YEAR TREND



this purpose. We also facilitated similar arrangements in other States.

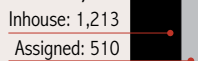
Swift crisis response

We responded quickly when the community was under stress whether because of storms and floods, or problems with mortgage repayments as a result of successive interest rate rises (page 25). Our rapid response included holding a series of information forums and library workshops and publishing information for people experiencing mortgage stress. We also undertook more legal representation in the mortgage area.

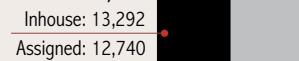
THIS YEAR WE INCREASED OUR CIVIL LAW SERVICES BY 13.6%.

TOTAL CIVIL LAW CLIENT SERVICES IN 2007-2008: 184,802

Total Legal Representation: 1,723



Total Duty Appearances: 26,032



Total Other Services: 157,047



SAVING THE FAMILY HOME

Mr and Mrs B and their son (the Bs) had a home with a \$343,000 mortgage. That loan was a long term home loan. They were in trouble with their repayments and applied for a \$30,000 loan through a broker. They were desperate to re-finance and not lose their home, so agreed to sign inaccurate declarations, stating that the loans were for business or investment purposes. These declarations, if effective, mean that the Consumer Credit (NSW) Code (the Code), which contains important protections for consumers, does not apply. The loans were short term and imposed extremely high fees and charges.

The Bs were soon in default and forced to sell their home. Legal Aid NSW commenced proceedings, arguing that the business purpose declarations were ineffective. We received funding from the Office of Fair Trading to run the matter before the Supreme Court, where we were successful. This case deals with important public interest issues relating to validity of business purpose declarations, especially where it is clear such loans are for personal use. This decision opens the way for a significant number of borrowers in similar circumstances to seek redress.

The Court observed: "It is of concern that such persons seeking such loans in the private non-bank lending market and who are often desperate to obtain the loan, are required, in effect as a condition of the loan being provided, to declare that the funds are to be used for business or investment purposes where that is clearly not the case. One reasonably suspects that such borrowers are informed that if they want the money they must sign the necessary declaration to render the Code inapplicable to the transaction. In many cases that is not much of a choice for persons who are desperate to obtain the funds on pain of possibly losing their home."

CIVIL LAW CASES:

Good outcomes for clients

Legal Aid NSW provides legal representation in a wide range of civil law matters. Here are some examples:

Case 1

Elderly woman in nursing home

Our client, an elderly woman currently living in a nursing home, is incapacitated by several strokes. Several years ago she sold her home and moved in with her daughter. A joint bank account with the daughter was established into which over \$100,000 was deposited. The daughter had promised to accommodate her mother for as long as she wished. The relationship between our client and her daughter broke down and it appeared our client was also subject to emotional and physical abuse. She was placed in respite and eventually accommodated in the nursing home.

We took the matter to the District Court seeking return of the funds on breach of trust. After a five day hearing our client was awarded \$113,000, together with costs.

Case 2

Privilege against self-incrimination in the coronial jurisdiction

Correll v Attorney General of NSW [2007] NSWSC 1385

The privilege against self-incrimination is firmly rooted in our legal system. In the coronial jurisdiction, privilege is relevant to persons of interest (suspects) who are called to give evidence at inquests.

There is a tension in inquests between the truth-finding objective and the protection of a witness against being forced to give evidence that could incriminate him/her.

Legal Aid NSW ran a test case in late 2006 to clarify

the laws which protect persons of interest against self-incrimination.

In December 2007, the NSW Supreme Court handed down a landmark decision which provided clear authority for the protection against self-incrimination in the coronial jurisdiction.

The year ahead

The enhancement of the Civil Law Division's resources over the past two years has resulted in new initiatives and an increase in advice, minor assistance, information and legal representation. During 2008-2009, it will be a priority to consolidate these new initiatives and implement recommendations on services to Aboriginal communities and the review of civil law policies.

There is an immediate need to respond to the demand for assistance from people experiencing mortgage stress and financial hardship. A number of strategies are required, including informing consumers of their rights in these circumstances and where they can get help. As well as providing advice, minor assistance and legal representation we will continue to undertake a number of community legal education initiatives that respond to emerging issues in the community.

We will be strategic in undertaking legal representation to ensure we maximise opportunities to address issues which have a broad reach into the community.

Key challenge

The Civil Law Division plays a lead role in service delivery to our priority client groups. We were able to launch two new services for these clients in 2007-2008.

Our next challenge will be to expand our services to ensure they are accessible to Aboriginal communities and young people.

Family law highlights

The Family Law Division provides legal advice, minor assistance, duty services and representation in Commonwealth family law matters, including child support matters, and in state care and protection matters at locations across the state.

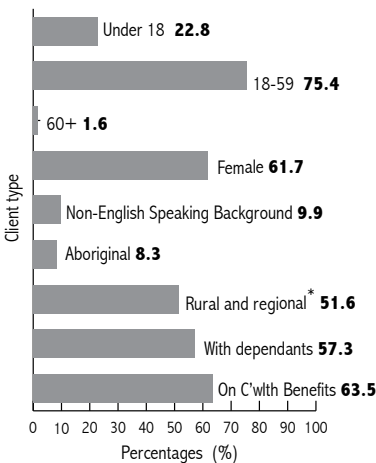
Outreach services are provided at a large number of regional centres where there are no Legal Aid offices. Family dispute resolution is a significant part of the Division, and is provided at locations across the state. The Care and Protection Legal Service and the Child Support Service—the two specialist statewide services are based at Parramatta. Community legal education and law reform work are also part of the Division's role (pages 25, 134).

TOTAL EXPENDITURE: \$64.570M
STATE: \$19.300M
COMMONWEALTH: \$45.270M

31.6% of our overall budget was spent on family law services.

FAMILY LAW CLIENT PROFILE

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Includes Newcastle and Wollongong

MAJOR ACHIEVEMENTS

Resolving family disputes

Changes to the *Family Law Act 1975*, which were introduced on 1 July 2007 mean that unless particular exceptions apply, applications in parenting matters can only be filed in court if a certificate is provided by a registered family dispute resolution practitioner. Legal Aid NSW is a designated family dispute resolution provider.

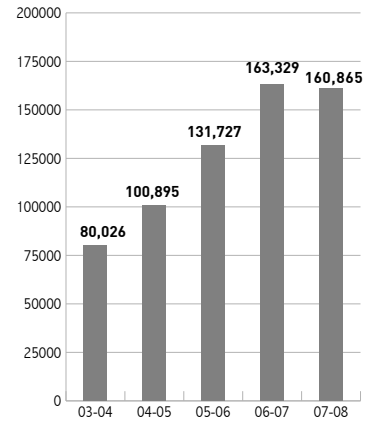
A major challenge for Legal Aid NSW in the last 12 months has been introducing systems to effectively provide family dispute resolution services in this new environment, while at the same time managing a very significant increase in demand for these services. In 2007–2008, 4,772 grants of legal aid were made for family dispute resolution conferences. We held 2,527 conferences, an increase of 13.0% from 2006–2007.

Child support

Changes in child support laws have a significant impact on our clients. Legal Aid NSW has an important role in providing training and information programs to ensure the community and service providers are aware of what the changes mean (page 37).

The Child Support Service, now located at Parramatta, extended its duty scheme to the Federal Magistrates Court at Parramatta and introduced specialist child support clinics at Central Sydney and Burwood.

TOTAL FAMILY LAW CLIENT SERVICES 5 YEAR TREND

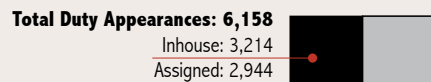
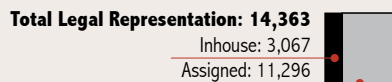


Toolkit for unrepresented litigants

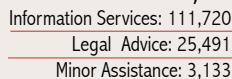
A key goal in the Legal Aid NSW Corporate Plan was to produce legal education kits for unrepresented litigants. The Family Law Division developed a kit for people representing themselves in family law proceedings. *What can I do if my partner takes our children without my permission?* provides parents with information on the steps they can take if a child has been removed by the other parent without consent. The kit was developed in response to a need identified by the Family Law Duty Service and as a result of consultation with stakeholders on information gaps for unrepresented litigants, in particular for litigants in rural and regional areas who do not have ready access to legal services.

THERE HAS BEEN A 13.0% INCREASE IN OUR FAMILY DISPUTE RESOLUTION (MEDIATION) SERVICES.

TOTAL FAMILY LAW CLIENT SERVICES IN 2007-2008: 160,865



Total Other Services: 140,344



FAMILY LAW CASES

Good outcomes for clients

Legal Aid NSW provides legal representation in a wide range of family law matters. Here are examples of good outcomes for families.

Case 1

Paternity and child support

The issue of paternity in child support cases is often a vexed one. When a paying parent is found not to be the biological father of a child, the court must determine if the child support should be repaid by the carer. The Child Support Service (CSS) has recently appeared in two of these cases.

We assisted a “non-parent” payer, “N”, to obtain an order requiring the mother, “P”, to repay \$23,000 in child support paid since the eight-year-old child’s birth. The Magistrate found that N was entitled to rely on P’s assertion at the time of the child’s birth that he was the father, and that P was aware there was another possible father.

We also acted for a mother, “W”, in which we successfully resisted a claim for the repayment of \$69,000 in child support paid by “H” over 13 years since the child was 12 months old. In this case the Magistrate took the view that H should reasonably have suspected he was not the child’s father, and had caused significant delay by waiting until the child was 14 before taking action.

Case 2

‘Out of time’ success

We made a successful application to the Full Court of the Family Court seeking leave to commence a property and spousal maintenance case some 13 years out of time.

Our client and her husband had divorced in 1991 after 21 years of marriage. They had three teenage children. At the time of their divorce the wife was unwell, and they had no major assets. She moved out and continued to struggle with her health. In 1997 the husband won \$3 million in a lottery and bought a unit for her to live in. In 2005 he told our client to leave, and threatened to commence court proceedings against her.

The future looked bleak for our client, who could not afford a lawyer and faced losing her home. However, we presented strong evidence showing hardship and reasons for the delay. The case was successful for the client before the Judicial Registrar, and later in defending appeals to a single Judge and then the Full Court—including obtaining an order for costs. Our client now has the chance to make a claim and hopefully keep her home.

The year ahead

We will expand our inhouse care and protection practice to more regional areas. Together with cooperative arrangements with the Children’s Court and the Department of Community Services, this will result in new practices which help ensure that children are represented at an earlier stage.

Our Aboriginal outreach services will be evaluated.

We will monitor the impact of the child support reforms on our clients. A new position in the Child Support Service will focus on matters in the Social Security Appeals Tribunal (SSAT) and liaising with other stakeholders to provide an effective service to clients in this new jurisdiction.

We will develop responses and implement a plan of action arising from the Special Commission of Inquiry into Child Protection Services in NSW to advance the care and protection of children.

Assisting unrepresented litigants is a key goal in our 2008–2009 Corporate Plan. We will develop a guide on contravention proceedings, titled *How Does a Court Deal with Contravention of Court Orders?* This topic has been selected on the basis of an identified gap in available information and service delivery, and will aim to assist people in remote and regional areas who want to initiate or defend contravention proceedings.

A major focus will be developing service delivery strategies to meet the family law needs of Aboriginal people.

Key challenge

Our challenge will be to maintain the performance of our family dispute resolution services in an environment of increased demand and constraints on resources. The Commonwealth Government has commissioned a review of family dispute resolution services, and introduced new accreditation requirements. Our challenge will be to integrate the Commonwealth’s findings into our own family dispute resolution practice.

Criminal law highlights

The Criminal Law Division provides a full range of legal services in all criminal courts from its Central Sydney office and 19 regional offices.

These services include representation in all jurisdictions from the Local Court to the High Court.

This Division includes the Indictable Section, Inner City Local Courts, Committals Unit, Indictable Appeals, Advocacy Unit, Children's Legal Service, Prisoners Legal Service and the Drug Court Unit.

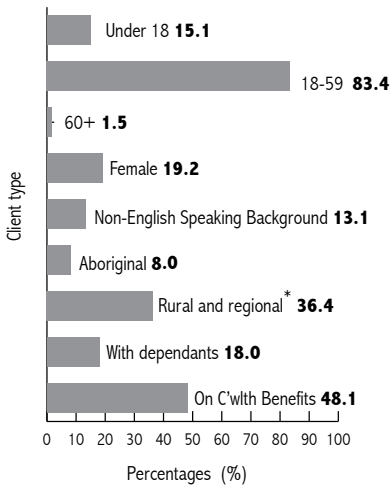
The Division also provides community legal education, outreach services, and participates in law reform (pages 12, 24, 134).

TOTAL EXPENDITURE: \$102.672M
STATE: \$91.927M
COMMONWEALTH: \$10.745M

50.3% of our overall budget was spent on criminal law services.

CRIMINAL LAW CLIENT PROFILE

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



MAJOR ACHIEVEMENTS

Holistic service for prisoners

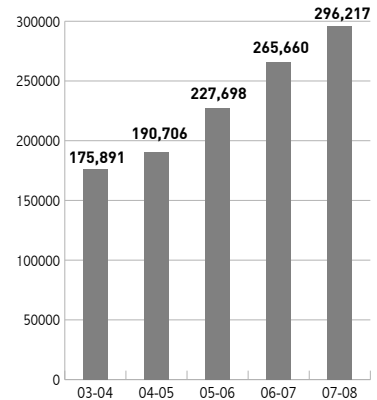
The Division implemented a number of the approved recommendations of the Prisoners Legal Service (PLS) review. This involved developing service delivery strategies which addressed a broader range of legal problems than had previously been provided.

Early resolution for clients

The Division continued an emphasis on the importance of the committal process in the early and appropriate resolution of matters, and playing an important role in the statewide rollout of the administrative model of Criminal Case Conferencing. This gives more people the opportunity to negotiate appropriate charges and pleas. Successful negotiation results in an earlier and more just resolution of matters.

An expansion of the Centralised Committals Scheme allowed us to better provide specialist legal advice and representation to more people charged with serious criminal law offences. The Division also engaged in the *Criminal Case Conferencing Trial Act*, which was introduced by Parliament to facilitate a pilot of Criminal Case Conferencing in legislative form.

TOTAL CRIMINAL LAW CLIENT SERVICES 5 YEAR TREND



Weekend bail

The Division was a key player in the introduction of weekend bail appearances via Audio Visual Link (AVL). We participated in the drafting and implementation of standard operating procedures which supported the introduction of statewide weekend bail hearings for children. This was done through the use of centralised AVL. The Division is now able to provide legal representation from the Parramatta Children's Court, to all children across NSW refused bail by police over the weekend period, which was previously not possible.

THIS YEAR WE INCREASED OUR CRIMINAL LAW SERVICES BY 11.5%.

TOTAL CRIMINAL LAW CLIENT SERVICES IN 2007-2008: 296,217

Total Legal Representation: 49,222

Inhouse: 36,255
 Assigned: 12,967

Total Duty Appearances: 100,181

Inhouse: 47,404
 Assigned: 52,777

Total Other Services: 146,814

Information Services: 115,401
 Legal Advice: 30,751
 Minor Assistance: 662

Young people

One of the key targets of the Corporate Plan 2007–2008 was a review of the Children’s Legal Service. Terms of Reference for the review included identifying best practice models for the effective and efficient management and delivery of legal services to children in NSW. The Division has begun implementing its recommendations.

The Division delivered workshops on group offending to students at mainstream and behavioural schools, in line with the crime prevention goals expressed in the *Rights, Respect and Responsibility* section of the State Plan. It is part of the first key target in the Legal Aid NSW Corporate Plan because many of the children and young people targeted by this program are Aboriginal, and/or have experienced homelessness and mental illness.

The youth hotline for young people in trouble with the law, answered 22,996 calls, a 24.8% increase on last year (18,430 calls). Of these calls, 8,662 involved our hotline lawyers providing individual legal advice to juvenile clients, with the balance of calls made up of referrals and providing legal information.

Toolkit

A key goal in the Corporate Plan is to produce a legal education kit for unrepresented litigants. The Criminal Law Division developed a *Pleading guilty to drink driving charges* kit to be delivered using web conferencing technology. This delivery method will make timely education accessible across the state, to those facing court.

CRIMINAL LAW CASES

Legal Aid NSW provides legal representation in a wide range of criminal law matters. Here are examples.

Case 1

Reasonable doubt

CTM v The Queen (2008) HCA 25

CTM, (then aged 17), was convicted at trial of having consensual sexual intercourse with a girl aged 15. He had told police he believed that the girl was 16 years old. The Indictable Appeals Unit appeared for CTM in the Court of Criminal Appeal (CCA) and then in the High Court. The CCA held that after the 2003 amendments to the *Crimes Act*, the defence of honest and reasonable mistake of fact was not available for the offence of sexual intercourse with a child between 14–16. On appeal, the High Court held that the common law defence of honest and reasonable mistake of fact is available. In overturning the decision of the NSW CCA, the High Court concluded that once the issue is sufficiently raised by the defence it is for the prosecution to prove beyond reasonable doubt that the accused did not believe honestly and on reasonable grounds that the other party was above the age of 16 years.

Case 2

Lack of relevant evidence

Evans v The Queen [2007] HCA 59 (13 December 2007)

E was convicted of armed robbery. During the trial, E was required to don overalls and a balaclava, similar to those worn by the robber, found at his house, months after the robbery, and sunglasses, belonging to the prosecutor. E was required to walk in front of the jury saying “Give me the serious money”. E sought to rely upon alibi evidence from his father and brother about being employed in their business and that he had never been absent from work (and therefore could not have taken part in the robbery). The Trial Judge refused to admit the evidence as no alibi notice had been given. On appeal the Court of Criminal Appeal (CCA) applied the proviso, stating that although the alibi evidence should have been allowed, and that E should not have been required to don the sunglasses, there was no miscarriage of justice as there was a strong Crown case. The CCA found nothing objectionable in requiring E to don the other items as it was a demonstration (s53 *Evidence Act*).

The High Court held that dressing the appellant in balaclava and overalls proffered no relevant evidence and it should not have been done. It was not a demonstration. They further held that not allowing the alibi evidence to be called and permitting the “demonstration” prevented E fully putting his defence. The CCA could not, given the above, determine beyond reasonable doubt that the appellant was the robber. The High Court allowed the appeal and ordered a retrial.

Adjournments

A common issue faced by Local Courts deciding criminal cases is whether to adjourn the hearing of a matter because a client has lodged an appeal to the Legal Aid Review Committee (LARC) against a decision refusing legal aid. Late last year the Supreme Court decided that the existence of a LARC appeal, or an intention to lodge such an appeal under s57 of the *Legal Aid Commission Act 1979*, will in most cases require an adjournment to allow the LARC appeal to be determined. Section 57 of the *Legal Aid Commission Act 1979* sets out the limits on the power to adjourn proceedings if the court finds that the appeal to LARC is more about delaying the hearing than securing legal aid. It is however a useful case which reinforces the importance of legal representation and the role of LARC in reviewing decisions regarding eligibility for legal aid.

Bail for young people

In a recent case regarding a bail application by a juvenile, the Supreme Court considered what might amount to exceptional circumstances which would warrant bail being allowed. The court found that a combination of factors, including that the applicant for bail is a juvenile, may amount to an exceptional circumstance – enough to justify bail being granted.

Changing laws and amendments

New legislation impacts upon our clients, as well as the workload and budget of the Division. Reforms such as the fast tracking of domestic violence offences and restrictions on the requirements for service of police briefs may impact on our clients, budgets and workload.

The year ahead

The Criminal Law Division will implement more recommendations of the Children's Legal Service Review, focusing on issues relating to best practice for the delivery of legal services to children in NSW.

By working cooperatively with the NSW Ombudsman and the Department of Corrective Services, we will improve access to justice for prisoners, providing clear, reliable and timely information about how to access legal assistance for civil, family and criminal law problems from gaols.

We will be increasing community legal education programs for young people in schools, detention centres, correctional centres, Police Community Youth Clubs and other youth agencies through the roll-out of *Burn*, the interactive website and DVD.

Work will continue on practices and procedures which ensure effective representation for adults in the Sydney metropolitan area and juveniles throughout NSW appearing at centralised weekend bail hearings by way of audio-visual link at the Parramatta Children's Court.

Key challenges

A major challenge for the Criminal Law Division is to reduce the barriers to mentally ill persons in accessing legal assistance. We will achieve this by training inhouse staff on strategies for obtaining effective instructions, and increasing their understanding of the needs of clients with a mental illness.

PROVIDING HOLISTIC SERVICES

Legal Aid NSW employs a team of social workers (the Client Assessment and Referral Unit) to work in partnership with lawyers to target the difficulties underlying people's legal problems. This is based on the knowledge that our clients have multiple problems contributing to their legal problem, especially those with special disadvantages (eg, clients with a mental illness, homeless clients, drug and alcohol-affected clients). This partnership between lawyers and social workers produces substantial benefits for our clients.

MAJOR ACHIEVEMENTS

This year the Unit assisted with 490 referrals by providing socio-legal assessments, telephone advice and advocacy, including securing discharges for clients with intellectual disabilities and assisting them to avoid custodial sentences.

A survey of the Unit's Community Referral Information Service found that 75% of service users found the service either extremely or quite helpful. In 85% of referrals the unit responded within 48 hours.

Service review

During 2007-2008, the Unit was reviewed in accordance with a Corporate Plan strategy. The review found that the Unit's assessments were well regarded by internal and external stakeholders.

The year ahead

The review and strategy to implement the accepted recommendations has been presented to the Legal Aid NSW Board. A reference group will be formed to guide the implementation process in 2008-2009.

Private lawyers

We work in partnership with private lawyers, who receive funding from Legal Aid NSW to represent legally aided clients in assigned matters. In 2007–2008, private lawyers provided 47.2% of our case and duty services.

MAJOR ACHIEVEMENTS

Private lawyers working on assigned cases achieve positive outcomes for individuals or client groups. These cases below demonstrate how private lawyers contribute to the public interest litigation that Legal Aid NSW conducts.

Case 1

Disabled person not allowed to fly

Three disabled people alleged that an airline had discriminated against them by requiring them to travel with a carer at their own expense. The case raised issues under Commonwealth disability discrimination legislation. This test case was heard in the Federal Magistrates Court, resulting in one claim being satisfactorily settled.

In a landmark decision for discrimination law, the Federal Court also limited the costs the other two applicants would have to pay if they lost their claims, to \$15,000 and \$35,000 respectively. The Court weighed the ‘entitlement’ of the airline to recover its costs with the fact that the case was in the public interest, the applicants did not stand to gain any personal financial benefit, and would be inhibited from proceeding with their claims if the order was not made.

Case 2

Forged mortgage decision

A woman applied for funding to defend possession proceedings for the home she owned with her husband. Her husband took out a \$335,000 mortgage on the house without his wife’s knowledge or consent. He forged her signature on the mortgage documents, then took the money and disappeared. His wife was served with a possession application by the mortgagee.

Legal Aid NSW funded the wife for the proceedings but she was unsuccessful at first instance. We then funded her to appeal the decision. The question on appeal was whether the wife’s half of the property could be used to pay out the loan. The judge’s decision was that under the terms of the mortgage there was no money owed that was secured by the wife’s half of the property.

Accordingly, the Court of Appeal ordered that the property be sold by a trustee and the client be refunded her equity in the property, less half of the payout figure of the genuine mortgage which was paid out by the forged mortgage. This case attracted a feature article in the *Law Society Journal*, warning lenders that a forged mortgage may not give a lender guaranteed title to the property.

Case 3

Racial discrimination

Legal Aid NSW assisted a former employee of a major Australian airline in an appeal by the airline against a decision of a Federal Magistrate to award compensation for racial discrimination in the workplace. The Federal Magistrate had awarded \$70,000 to the worker, which is the maximum amount allowable for general damages for such a claim. The Full Federal Court dismissed the appeal and maintained the maximum damages award. In doing so, the Court clarified the operation of the *Briginshaw Test*, which determines the way the Court assesses the onus of proof in discrimination cases. This is an important comment for all legal practitioners and an important and wider benefit from the Court’s decision, in addition to the substantive decision to dismiss the appeal and uphold the award of general damages.

Case 4

Disability Support Pension

Several clients appealed to the Administrative Appeals Tribunal regarding payment of a disability support pension. A high number of the cases were successful. In particular, where Centrelink was the appellant, most of these cases were resolved with Centrelink withdrawing the appeal before a hearing.

The year ahead

We will support private lawyers in providing quality services to clients through regular surveys and audits that identify and address their training and information needs. Community legal education is integral to our strategy of informing the community of our services, legal issues and ways of resolving them.

Community legal education

The Community Legal Education (CLE) Program is a key milestone in the State Plan's Priority: *Reduced levels of anti-social behaviour*, contributing to the State Plan's target through a range of both innovative and standard CLE programs.

We completed a crime prevention DVD, *Burn*, that focuses on the topic of young people and group offences, six DVDs on legal topics affecting prisoners, traffic law education programs, and conducted domestic violence workshops for emerging communities.

MAJOR ACHIEVEMENTS

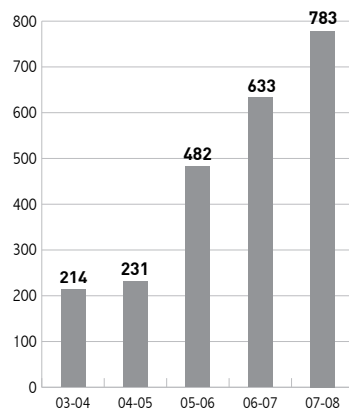
During 2007–2008, the focus of the Community Legal Education (CLE) Program has been on developing new educational resources which will be used in strategic programs with priority client groups. These initiatives were set out in the 2007–2008 Corporate Plan, and included an educational resource for each of the practice areas. We have achieved this whilst increasing the number of community legal education sessions provided, and also responding to emergency events such as floods and storms.

Our community legal education sessions increased by 23.7% compared to the previous year.

More staff

Our CLE Program received a major boost this year with the appointment of three new CLE lawyer positions to oversee community legal education in civil, family and criminal law. Appointees commenced in June 2008. The positions were recommended in last year's review of the community legal education and publications area.

TOTAL COMMUNITY LEGAL EDUCATIONS SESSIONS 5 YEAR TREND



Diverse client groups

Our community legal education program in 2007–2008 targeted:

- Aboriginal young people
- Consumer and employment law for Aboriginal people
- People affected by changes to the child support system and family law
- People affected by storm, hail and flood damage
- Newly arrived migrants
- Older people
- Homeless people
- Prisoners
- People experiencing mortgage stress and financial hardship

Prisoners—statewide program

Legal Aid NSW has developed a statewide legal education program for prisoners, including a series of six DVDs and accompanying brochures.

The *Back on Track* DVDs focus on identifying legal issues commonly encountered by prisoners, including debt, fines, tenancy, care and protection, and understanding the criminal justice system.

Young people: The *Not Guilty* Project

A 30 minute drama, *Burn*, and interactive website were developed as a crime prevention resource for 16 to 19 year-olds. The film aims to counter an increasing trend for young people to become involved in serious group offences such as robberies or group assaults. It explains the serious nature of these offences, and that young people may be charged for merely being present during the offence.

Burn features a cast of young non-actors from diverse cultural backgrounds. There was no script for the film. The dialogue was completely improvised and the story line developed collaboratively with a large group of young people,



Photo: Hugh Rutherford

Young actor Sene Auelua plays a key role in the film *Burn* – part of a crime prevention program for young people.



Photo: Charmaine Smith

Actors performing radio scripts for Aboriginal youth, take a break in the studio. L to R: Angeline Penrith, Lateesha Smith, Rowena Welsh Jarrett and Savannah Peacock.

including the 11 cast members. The young people enjoyed the opportunity to work with filmmaker David Vadiveloo, and hope the film will have a major impact on young people.

Aboriginal youth: radio project

The Legal Aid NSW Human Rights Group, in partnership with Redfern Legal Centre, has developed a series of radio scripts dealing with legal issues of particular concern to Aboriginal people. The scripts aim to be as accessible as possible and the project is based on the 'pathways' approach to legal information. Each script raises a legal issue and then the characters develop their own solution.

Financial hardship— mortgage stress

In response to the current climate of financial strain, Legal Aid NSW conducted three mortgage stress forums at Parramatta, Gosford and Rooty Hill, and has developed a self-help kit for people experiencing mortgage stress. This kit will form the basis for the production of a 30-minute DVD to be used in workshops with financial counsellors and consumers across NSW.

Education via webcam

Legal Aid NSW has developed community legal education programs for delivery via webcam. Topics include *Managing your own divorce* and *Pleading guilty to drink driving charges*. Delivery of legal education sessions via webcam will improve access for people outside metropolitan areas, and in circumstances where it is not viable to run face-to-face sessions.

Emergency response to storms and floods

In response to serious hail storms and floods in Western Sydney during December 2007, Legal Aid NSW coordinated two information forums providing free legal advice on insurance claims to people affected by the storm.

A number of key agencies were invited to attend, including the Insurance Law Service, Home Building Advocacy Service, Insurance Ombudsman, Mt Druitt and Area Community Legal Centre and the Insurance Council of Australia. The forums were attended by over 100 local residents.

Legal Aid NSW conducted a series of letter writing workshops at Blacktown library to help local people make claims and write follow-up letters.

Similar forums were also held in flood-affected Kyogle and Tweed Heads.

The year ahead

Legal Aid NSW will develop resources to be used in strategic community legal education programs. These initiatives are set out in the 2008-2009 Corporate Plan, and include a focus on unrepresented litigants in criminal, family and civil law matters.

The community legal education lawyers appointed in 2007-2008 will greatly increase our capacity to provide comprehensive community legal education programs.

Burn will be screened in schools, youth centres, juvenile justice facilities and refuges all over the state.

Back on Track will form the basis of workshops with prisoners running from October 2008 to April 2009.



Client diversity

Our Ethnic Affairs Priorities Statement 2005-2008 and Disability Action Plan 2006-2009 outline how we are providing equitable, consistent and improved services to people from culturally and linguistically diverse (CALD) backgrounds and people with disabilities. Our initiatives for women are aligned with the NSW Government Action Plan for Women.

Diversity profile

- 27.8% of our case and inhouse duty clients are women.
- 13.9% of our case and inhouse duty clients are from culturally and linguistically diverse communities.
- 23% of women who were assisted by the Women's Domestic Violence Advocacy Program were recorded as being from a CALD background.

CLIENTS FROM OTHER CULTURES

MAJOR ACHIEVEMENTS

New policy

Our revised Interpreter and Translator Policy was issued in April 2008. This policy sets out the framework for providing interpreters and translators equitably, effectively, and consistently to clients and communities from CALD backgrounds, and people with hearing and speech disabilities. The Community Relations Commission and the Justice Disability Advisory Council responded positively during a consultation process.

Awareness training

To promote and inform staff of the revised interpreter policy, a series of half-day training courses—*Cross Cultural Communication and Using Interpreters* was delivered in May 2008 at 15 state locations. The course aimed to overcome barriers to working with clients of CALD backgrounds within the justice system, including

the effective use of interpreter services. The courses were attended by 173 Legal Aid NSW staff and 21 staff from the Women's Domestic Violence Court Advocacy Program (23% of women who sought ADVO orders in 2007 were from CALD backgrounds).

A course, *African Culture and Migration/Refugee Issues*, provided a greater understanding of the experiences of Sudanese people new to Australia.

Multilingual CD-ROM

Welcome to Legal Aid, a CD-ROM first produced in 2006 in seven languages, was recut this year, featuring two new languages—Arabic and Juba Arabic. This was the result of recommendations made by the review of community legal education and publications, providing information that is accessible to clients and meets their needs. This highly commended resource for people with low literacy skills in newly emerging communities is now available in nine languages: Amharic, Arabic, Dari, Dinka, Juba Arabic, Pushto, Somali, Swahili and Tigrinya.

The CD-ROM also featured in the report, *A Long Way to*

Equal, which was launched by Women's Legal Services in August 2007. It will be used in a pilot of bilingual African and Middle Eastern community workers to facilitate community legal education in partnership with Legal Aid lawyers.

Chinese Expo

In April 2008, Legal Aid NSW took part in a Family Law Expo—*Know Your Legal Rights*—which was organised by the Chinese Australian Services Society (CASS). In his opening address the Attorney General of NSW, The Hon John Hatzistergos, MLC, highlighted the cooperative nature of our role, working with community groups such as CASS.

Translations

The publications review also recommended Legal Aid NSW provide more information for newly emerging communities to reflect immigration trends. We translated our core brochure *Do you have a legal problem?* into three new languages: Indonesian, Hindi and Korean, based on community consultation and an analysis of immigration and population trends. This brochure is now available in 15 languages (page 129).

Photo: Dami Pontes



NSW Attorney General, John Hatzistergos with local service providers at the Chinese Expo.



Joseph Wasuruj with Thai Welfare Association staff at the seminars.

Thai community

Legal Aid NSW lawyer Joseph Wasuruj conducted three community legal education sessions using his first language, Thai. The sessions were organised in cooperation with the Thai Welfare Association and were held in Central Sydney and Cabramatta. Topics included car accidents, domestic violence, debt, credit, bankruptcy and Social Security benefits. There are more than 20,000 Thai-born Australians based in Sydney and Joseph is the only Thai-speaking lawyer employed at Legal Aid NSW.

Interpreters

Interpreters were used for phone and face-to-face professional interviews, community legal education sessions and court hearings. A total of \$724,689 was spent on interpreters (compared with \$686,461 in 2006-2007).

CLIENTS WITH DISABILITIES

MAJOR ACHIEVEMENTS

AUSLAN "Hands Up" information project

Legal Aid NSW has contributed to a project of the Deaf Society of NSW, producing a DVD in AUSLAN for people who are hearing impaired. The DVD will be available on the Legal Aid NSW website in late 2008, and will assist people who are going to court. Project partners were LawAccess NSW, the Attorney General's Department of NSW, the Deaf Society and Legal Aid NSW.

PROGRAMS FOR WOMEN

MAJOR ACHIEVEMENTS

Education programs for women

A strong focus of community legal education in 2007-2008 was on providing targeted information to women. Programs were developed in partnership with a number of service providers who offer support to socially and economically disadvantaged women. Service providers included women's refuges, women's community health centres and women's housing programs. The topics covered ranged from domestic violence and migration law, to sexual abuse allegations and Family Court matters.

Domestic violence

Our Women's Domestic Violence Court Advocacy Program (WDVCAP) is a major stakeholder in the implementation of the State Plan strategy, *Keeping people safe by reducing domestic violence*.

The WDVCAP facilitates access to legal protection from violence by assisting women to obtain Apprehended Domestic Violence Orders through WDVCAP funded services.

WDVCAP provided 42,194 services to 13,475 women

this year. Aboriginal women comprised 12% of new matters and women from CALD communities comprised 23%. Services provided have risen by 5.3% since the previous year.

The year ahead

An Ethnic Affairs and Priority Statement (EAPS) will be developed for 2008-2009.

Our Disability Action Plan will be revised in order to identify barriers and improve access and use of legal aid services for people with disabilities.

We will provide improved Telephone Typewriter (TTY) facilities at the Parramatta Justice Precinct and Central Sydney, to ensure that people who are hearing impaired can communicate with us.

We will participate as a pilot agency in the Community Relations Commission's trial of the revised Ethnic Affairs Priority Statement Standards framework, to improve the way in which agencies develop and monitor EAPS performance.

In our efforts to raise the status of access and equity at Legal Aid NSW and champion a diverse work environment, we will review the role and functions of the Access and Equity Committee.

Our CD-ROM *Welcome to Legal Aid* will be used in bilingual community legal education sessions.

Our brochure *How to complain to Legal Aid NSW* will be translated into key community languages.

More *Cross-Cultural Communication And Using Interpreters* courses will be conducted.



WORKING WITH OUR PARTNERS

Develop our relationships with other organisations to improve access to justice

Partners at a quarterly Cooperative Legal Service Delivery meeting in the Central Tablelands (pages 30-31).

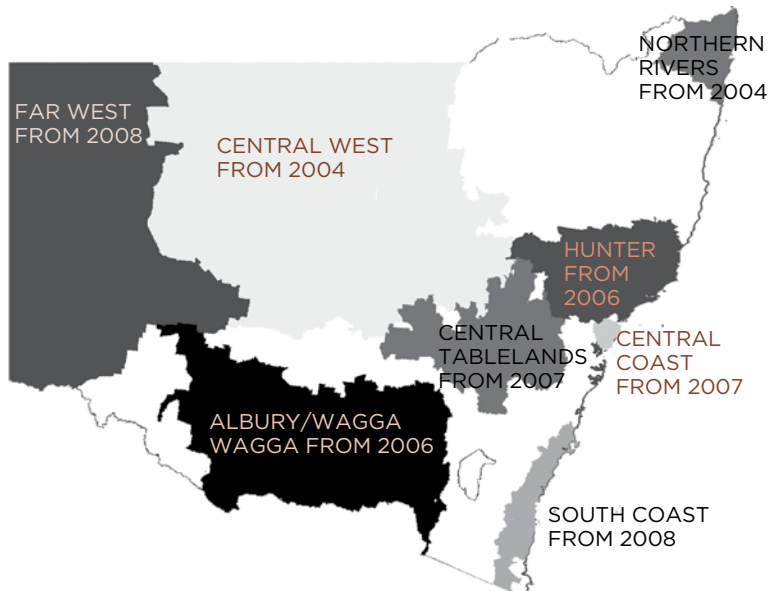
Key achievements

- Increased our services to people living in regional areas through dynamic partnerships
- Provided more services to Aboriginal people by working with the Aboriginal Legal Service
- Together with private lawyers we delivered 197,679 representation and duty services
- Delivered 42,194 services to 13,475 women who applied for Apprehended Domestic Violence Orders

Rural and regional clients gained much better access to legal services this year as the result of stronger partnerships and programs.

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This map shows the regions in which we have rolled out our Cooperative Legal Service Delivery Program (page 30).



Key partners at a glance

Although we are the main provider of legal aid services in NSW, we also work closely with other agencies to ensure clients receive the most appropriate services to help resolve their particular legal needs.

In 2007–2008, we worked closely with private lawyers, other legal service providers and community agencies to improve equity of access to the law, particularly for the disadvantaged people of NSW.

LAWACCESS NSW

LawAccess NSW referred 23,570 enquiries to Legal Aid NSW offices.

People in NSW receive assistance over the phone by calling LawAccess NSW – a free legal information, referral and advice service administered by the NSW Attorney General's Department, and partly funded by Legal Aid NSW. The main areas people sought help with in 2007–2008 were shared parenting arrangements, debt, traffic offences, property settlement and Apprehended Domestic Violence Orders.

ABORIGINAL LEGAL SERVICE (NSW/ACT)

Legal Aid NSW provided 7.4% of its services to Aboriginal people.

Legal Aid NSW invited the Aboriginal Legal Service to sit on its Aboriginal Justice Committee which is designed to drive and lead the implementation of our Aboriginal Justice Services Delivery Plan. The committee met quarterly and reported directly to the Chief Executive Officer (page 143).

COOPERATIVE LEGAL SERVICE DELIVERY (CLSD) PROGRAM

CLSD has enhanced collaboration between legal and non-legal service providers to facilitate more effective referrals and service coordination in regional NSW.

This Program is a regionally based approach to legal service delivery, which aims to improve outcomes for socially and economically disadvantaged people in NSW, by building cooperative and strategic networks of key legal services and community organisations (page 30).

NSW LEGAL ASSISTANCE FORUM (NLAF)

NLAF drafted a new resource that will help Aboriginal people understand civil law issues and how to seek remedies for those issues.

The NSW Legal Assistance Forum has a number of working groups that work cooperatively to improve legal services for disadvantaged people in NSW. The NLAF Working Group on Aboriginal clients, chaired by Legal Aid NSW, focuses on making legal services more accessible to Aboriginal communities (pages 37, 52).

COMMUNITY LEGAL CENTRES

Community legal centres referred 4,664 clients to Legal Aid NSW and received 1,922 client referrals from Legal Aid NSW.

There are thirty-two community legal centres whose funding is administered by Legal Aid NSW, complementing our own services (pages 33, 127).

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY PROGRAM

Partnerships were strengthened through training, conferences, formal working groups and informal networks.

This Program works collaboratively with the NSW Police Force, Local Courts and legal, health, welfare and accommodation services within the community to provide an integrated, co-ordinated response to domestic violence (pages 34, 128).

PRIVATE LAWYERS

Private lawyers provided 47.2% of all Legal Aid NSW case and duty services.

We work in partnership with private lawyers who receive funding from Legal Aid NSW to represent legally aided clients (pages 35, 62, 138).

LAW AND JUSTICE FOUNDATION OF NSW

A national Legal Needs Survey supported by Legal Aid NSW, has commenced.

Legal Aid NSW uses research undertaken by the Foundation to inform policy and practice, for example, *Taking Justice into Custody: the legal needs of prisoners*.

The Law and Justice Foundation (LJF) of NSW is developing an interactive and integrated computer application. Legal Aid NSW is collaborating with LJF's Data Digest 3 project which aims to enhance the description, analysis and interpretation of legal need in NSW, and to assist the public legal sector in the modelling, planning and delivery of legal assistance services in NSW.

Regional partnerships

Geographic isolation remains a real obstacle to accessing legal services for people living in regional and rural areas of the State. By strengthening our partnerships, we have improved access to our services for rural clients.

REGIONAL SOLICITOR PROGRAM

Legal Aid NSW works closely with private practitioners to provide legal services in those rural and regional areas of the State which are not serviced by our established offices. However, the number of legal practitioners located in rural NSW available and willing to undertake legal aid work is declining.

As a consequence, Legal Aid NSW faces increasing difficulty in providing services both to the remoter areas of the State, where populations and services are declining, and those coastal areas experiencing population growth, particularly the North and Far North Coasts.

In 2007, we launched the Regional Solicitor Program to improve access to legal aid services for rural communities, by ensuring that there are sufficient legal practitioners in rural areas available and willing to undertake legal aid work.



Civil lawyer Sarah Burke visits Moree to develop important regional partnerships.

The Regional Solicitor Program boosted legal aid services in rural areas—440 grants of aid and 800 advice or duty lawyer services.

The Program provides salary subsidies and other incentives to private law firms in the identified locations to employ an additional lawyer in return for the lawyer undertaking an agreed amount of legal aid work.

The 10 locations selected were Batemans Bay, Bega, Moree, Tweed Heads/Murwillumbah, Taree, Port Macquarie, Broken Hill, Cowra, Young and Dubbo. During the year, lawyers were placed in all the locations except Port Macquarie.

The pilot will run for a minimum of two years to allow sufficient time to evaluate the Program's impact on service delivery and its operational costs and benefits.

Early evaluation results show that a significant amount of legal aid work has been undertaken in the selected rural areas. Of the 718 case matters undertaken by the nine lawyers involved in the program during 2007–2008, 440 of these matters were assigned a grant of aid. In addition, the lawyers provided over 100 duty lawyer services, and 600 advice sessions and 100 minor assistance services to local clients. These are additional services that may otherwise not have been provided in these rural areas.

The year ahead

Program evaluations will be conducted at 12 and 24 months. The 12-month evaluation commenced in June 2008.

COOPERATIVE LEGAL SERVICE DELIVERY PROGRAM (CLSD)

The CLSD Program is a regionally-based approach to legal service delivery that aims to improve outcomes for economically and socially disadvantaged people in regional NSW by building cooperative and strategic networks of legal services and community organisations.

Partners include Legal Aid offices, community legal centres, Aboriginal Legal Service offices, Local Courts, tenancy, domestic violence and financial counselling agencies, pro bono lawyers from private law firms, and government departments.

The Program has been rolled out to several regions since the pilot in 2004 (map page 28).

Enhancing services for isolated areas

CLSD regional coalitions facilitate cooperative relationships between agencies to enhance access to justice.

The CLSD Program Unit reports regularly to the New South Wales Legal Assistance Forum, and works with the Law and Justice Foundation of NSW, community legal centres and pro bono service providers. It provides a sound evidence base to inform submissions to State agencies and peak organisations on service gaps. The regional networks in each region provide a ready-made audience and stakeholder group for community legal education workshops, consultations and access to justice initiatives.

CLSD works closely with LawAccess NSW, in particular on identifying emerging needs and planning and delivering outreach services in regional locations. CLSD participants work collaboratively on joint projects, training, workshops, community legal education

and coordinated outreach programs.

Many of the CLSD cross-sector initiatives are clearly aligned with State Plan objectives to identify opportunities for collaboration to improve outcomes for particularly disadvantaged communities.

MAJOR ACHIEVEMENTS

CLSD was successfully rolled out to the Central Tablelands and the Central Coast this year. In November 2007, Legal Aid NSW submitted proposals to the Commonwealth Attorney-General's Department under its Regional Innovations Program in Legal Services (RIPLS) initiative. In June 2008, the Attorney-General approved payment of four-year funding of \$522,000 to Legal Aid NSW which includes \$180,000 per year for CLSD projects, and a further \$60,000 per year for outreach clinics, some of which will be within CLSD regions.

The year ahead

The CLSD Program will be rolled out to Broken Hill and the South Coast.

In line with the 2008–2009 Corporate Plan, CLSD will continue to work with its partners and develop relationships with other organisations to improve access to justice in regional and remote communities. This will include developing ways to work more effectively with non-legal service providers to achieve more holistic outcomes.

Partnerships and initiatives being explored include working with:

- the Public Interest Advocacy Centre to develop and deliver “Law for Non-Lawyers” workshops within each CLSD region;

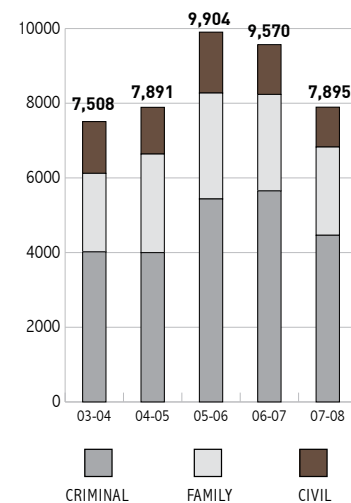
- community legal centres and the Law and Justice Foundation of NSW to produce guidelines for developing and delivering quality outreach services;
- the Law and Justice Foundation on its Data Digest 3 project that will provide information on the types of legal matters people experience;
- LawAccess NSW in enhancing pathways to legal services from non-legal service providers, and developing outreach initiatives;
- Combined Community Legal Centres Group NSW (Inc) and the National Association of Community Legal Centres on a project to develop a “Legal Needs-based Service Planning Tool”;
- non-legal organisations such as Ombudsmans’ services and financial services to provide outreach training opportunities for CLSD participants; and
- Hunter CLSD partners and the Regional Solicitor Program to deliver a weekly outreach service in Taree.

RURAL AND REGIONAL OUTREACH

Legal Aid NSW provides a broad range of outreach services to help extend the coverage of legal aid services, particularly into areas where no other services are available.

Although it can be time consuming travelling large distances, our outreach program has a strong reputation of trying to reach people who have little or no opportunity to access legal help. The total number of outreach interview locations for 2007–2008 was 134.

TOTAL OUTREACH SERVICES 5 YEAR TREND



Our key partners such as LawAccess NSW, community legal centres and the Aboriginal Legal Service contribute to many of our outreach programs. We also develop ongoing relationships with local community networks such as local councils and support services.

Our outreach services have been mostly directed towards rural and remote communities, Aboriginal communities, prisoners, homeless people and older persons, and culturally and linguistically diverse communities. These communities have been identified as being particularly disadvantaged in accessing legal services so we have developed specific strategies to assist in reaching these groups.

Historically the most comprehensive outreach across the state has been provided by the Child Support Service which is now based at the Phillip Street Parramatta office. During 2007–2008 the Child Support Service continued to provide an outreach service to regional NSW, and has extended its service on the North Coast to Yamba.

Legal Aid NSW also provides outreach clinics to Aboriginal communities in areas such as Kempsey, Bonalbo and

Emerton. A great deal of care has been taken in locating these outreach services in appropriate community centres to ensure we can maximise their accessibility and effectiveness.

These outreach services were reviewed in March 2008 (page 14). It is a constant challenge to ensure these services remain relevant and appropriate to the needs of Aboriginal clients.

Each year, Legal Aid NSW takes part in Good Service Forums – a partnership of representatives from different government agencies who share information with members of Aboriginal communities about their services. This year, Forums visited Broken Hill, Lismore and Wilcannia.

MAJOR ACHIEVEMENT

Homeless persons clinics

The Civil Law Division established a number of homeless persons outreach clinics in regional areas in collaboration with the Homeless Persons Legal Service. These clinics are located in agencies that provide meals and services for homeless people in order to overcome some of the barriers homeless people experience in accessing legal services. The model we use involves doing as much work as possible on the spot to try to resolve the (sometimes multiple) legal problems of clients. Our aim is to work with other key

support agencies and try to break the cycle of homelessness through the resolution of legal and other related issues. Homeless outreach clinics have been established at Kempsey, Coffs Harbour, Nowra, Port Kembla, Wollongong, Emerton, Newcastle and Gosford. Our homeless services are well supported by a number of local agencies such as St Vincent De Paul, the Uniting Church and Marrin Weejali Aboriginal Corporation.

The year ahead

We will develop additional outreach services at Boggabilla, Glenn Innes, Moree, Taree, Toomelah and Toronto – areas identified as disadvantaged and with limited access to free legal services.

Our experience in delivering outreach services is that sometimes they take time to gain momentum but when they do, they are a highly effective way of extending the reach of our services. They need careful planning and solid relationships with local organisations. A key focus next year will be developing these relationships, particularly with agencies and shelters frequented by homeless people in regional areas.

Recommendations from the review of civil law outreach services to Aboriginal communities will also be implemented.

MOREE SNAPSHOT



Roslyn Laws (far left) from Housing NSW in Moree with representatives of Legal Aid NSW L to R: Ananda Hall, Matthew Hazard, Lauren Finestone and June Rozen.

An outreach service held in Moree in May 2008 provided an excellent opportunity to make valuable contacts with local service providers and learn about community needs. Housing NSW invited Legal Aid NSW to give a presentation to 14 service providers at the local Centrelink office. We provided information about legal aid services, family law, consumer law, child support, and the legal needs of older people. At the same time, our lawyers also advised 35 people about a range of legal problems.

Community programs

COMMUNITY LEGAL CENTRES FUNDING PROGRAM

Legal Aid NSW administers State and Commonwealth funding for 32 community legal centres (CLCs) throughout NSW through the community legal centres Funding Program (CLC Program).

Community legal centres are independent, non-profit organisations with most being managed by an independent board or committee.

The community legal centres Board Sub-Committee advises the Legal Aid NSW Board about community legal centres. See page 142 for details.

Community legal centres provide a range of free legal services to address the specific needs of disadvantaged sectors of the community.

Five centres also manage a sub-program called the Children's Court Assistance Scheme Program (CCAS) at six Children's Court locations. The schemes provide a roster of trained youth workers in Children's Criminal Court matters, to assist young people and their families going to court.

Funding in 2007-2008

Commonwealth: \$5,264,905

State: \$4,783,632

Public Purpose Fund: \$2,188,201

For details see page 127.

MAJOR ACHIEVEMENTS

More services

Community legal centres increased their service delivery to the community in 2007-2008.

Advice increased by 18.9% and legal representation increased by 28% with major cases (more than 20 hours each) increasing by 26% compared to last year.

Community legal centres provided legal services to 37,707 clients.

Joint projects

This year, Legal Aid NSW funded three pilot legal service projects through the CLC Program.

The Consumer Credit Legal Centre (CCLC) is involved in the Pilot Insurance Service Project as part of the National Insurance Information and Advice Project (NIIAP). CCLC provides a National Insurance Hotline advice service, developing education materials for consumers, conducting strategic legal representation and participating in policy and law reform initiatives. The Pilot project commenced on 1 July 2007.

The Public Interest Advocacy Centre (PIAC) established a Legal and Education Service for People with Mental Illness pilot. The pilot specifically targets the gaps in legal service delivery for people with a mental illness. It aims, through consultation with various mental health stakeholders to develop an effective long-term, broad-based disability legal policy and education service that builds effective working relationship with Legal Aid NSW and other legal assistance providers.

Legal Aid NSW and The Aged Care Rights Service established a pilot joint project of an Older Persons Legal Service. This is a legal advice and community legal education service specifically targeted at the needs of older persons in NSW and service providers to older persons (page 14).

Children's Court Assistance Schemes (CCAS)

This year, the Public Purpose Fund (PPF) increased funding to the Children's Court Assistance Schemes (CCAS) Program. This increase has allowed existing CCASs to enhance service delivery at their respective Children's

Courts and to expand services to Bidura Children's Court. It has also enabled the Macquarie Legal Centre to move the CCAS from the now closed Lidcombe Children's Court to Parramatta and significantly increase its capacity at the Parramatta Children's Court.

The year ahead

We will identify and implement improved services for priority clients in collaboration with community legal centres.

In April 2008, the Commonwealth Attorney-General announced that community legal centres in NSW would receive an additional one-off funding amount of \$2,155,730. This will be paid in July 2008.

In May 2008, the Public Purpose Fund approved an additional \$1,321,000 per annum (with indexation) for the initial three years from 2008-2009 to three CLCs not previously funded under the CLC Program, and 12 CLCs which currently receive State and/or Commonwealth funding through the Program. The new CLCs to be included in the NSW CLC Program are the Intellectual Disability Rights Service, the Refugee Advice and Casework Service and the Albury Wodonga Community Legal Service.

Key challenge

In April 2008, the Federal Attorney-General released a report titled, *Review of the Commonwealth Community Legal Services Program*.

The report made 16 recommendations for improvement. Our challenge will be to undertake wide consultation and negotiation prior to implementation.

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY PROGRAM

Legal Aid NSW administers funding for the NSW Government's Women's Domestic Violence Court Advocacy Program (WDVCAP), through which 33 Women's Domestic Violence Court Advocacy Services (WDCASs) are funded to work in 62 Local Courts.

These Services provide advocacy, information and referral to other services for women seeking legal protection from domestic violence. The Program funds 11 Aboriginal Specialist Workers and five Culturally and Linguistically Diverse (CALD) Specialist Workers to address the particular needs of often marginalised women and facilitate their access to the legal system and other services. Services funded through the Program work in the Local Courts in partnership with Local Court staff, the NSW Police Force and the legal profession.

The Program is guided by the WDVCAP Advisory Committee, which includes representatives from the WDCAS Network, Legal Aid NSW Board, Department of Community Services, NSW Police Force, Attorney General's Department and key community agencies (page 144).

Funding in 2007-2008

STATE: \$4,186,189

Details of grant allocations on page 128.

MAJOR ACHIEVEMENTS

Service increase

The Program provided 42,194 services to 13,475 clients this year, in 19,136 new matters. Aboriginal women comprised 12% of new matters and women from CALD communities comprised 23%.

The Program provided 42,194 services, a 5.3% increase on last year.

Services increased by 5.3% since 2006-2007.

Policies and training

This year, the Program revised its policies and procedures after wide consultation with the WDVCAP Advisory Committee, WDCASs, service providers and partner agencies.

A new core training program has been delivered with key partner agencies. Participants evaluated the new training program very positively.

Important partnerships

An important partnership is the relationship between Legal Aid NSW, the WDCASs and the Domestic Violence Solicitor Scheme, consisting of private practitioners providing legal advice and representation for WDCAS clients in 13 courts.

Work continued on Memoranda of Understanding with the NSW Police Force and Local Courts. Legal Aid NSW is working with Holroyd Local Area Command, Fairfield Local Court and Liverpool/Fairfield WDCAS to develop procedures and protocols for a model of best practice in coordinated, integrated service delivery to victims of domestic violence.

New mentor

We appointed Bev Lazarou, formerly Coordinator of Southern Sydney WDCAS, to a position within the WDVCAP Unit at Legal Aid NSW to fulfil a mentoring role for WDCASs. She is working directly with WDCASs to ensure implementation of best practice in accordance with the revised policies and procedures and to work effectively with Government and non-Government agencies at a local level. This position has been well received by service providers and WDCAS workers and has strengthened

the partnerships between these organisations and Legal Aid NSW.

Annual conference

This year's WDVCAP Annual Conference focused on developing good practice in service provision. Participants were addressed by a wide range of speakers, including one from Tasmania (Safe at Home Principal Consultant) and one from Victoria (State Supervising Magistrate, Family Violence Court Division). The conference was attended by over 400 people from Government and non-Government agencies, including the NSW Police Force, Local Courts, NSW Health, women's services and WDCASs.

The year ahead

We will implement a standardised service delivery framework supported by a comprehensive training program delivered by Legal Aid NSW. A new funding formula will be developed for equitable distribution of funding to commence in 2009-2010. The funding formula will allow us to use the NSW Government's 64% increase in funding for the Program to improve the efficiency of existing services and expand the services of the WDVCAP to additional local courts across NSW.

We will continue to work towards enhanced interdepartmental and interagency cooperation and collaboration to improve service delivery to victims of domestic violence in the justice system.

Partnerships with private lawyers

Our Grants Division works in partnership with private lawyers to provide representation to legally aided clients in assigned matters.

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

In 2007–2008, private lawyers provided 47.2% of all legally aided case and duty services.

This year the Division received 33,659 applications for legal aid, comprising:

- 14,063 applications for legal aid in criminal law
- 18,500 applications for legal aid in family law
- 1,096 applications for legal aid in civil law

Grants Division staff also administered 68,461 duty appearances conducted by private lawyers at courts in NSW.

MAJOR ACHIEVEMENTS

Electronic lodgement

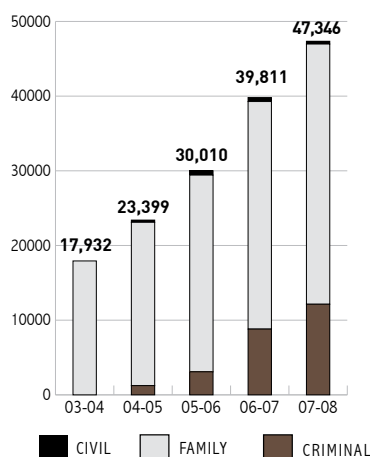
Since 2002, greater numbers of private practitioners have been lodging applications for legal aid electronically through the Grants Online system administered by our Grants Division.

By the end of June 2008, 1,288 private legal firms were registered to use the Legal Aid NSW e-Lodgement system, Grants Online, which represents a 22.7% increase on the previous year.

The numbers of electronically lodged applications continued to increase. During the year we received 47,346 online requests, an increase of 18.9% from 2006–2007. On average, electronically lodged requests were processed within 4.64 days.

By the end of June, 88% of invoices from private lawyers in duty lawyer matters were being lodged electronically and invoices were processed, on average, in less than a day.

LEGAL AID APPLICATIONS LODGED ONLINE 5 YEAR TREND



The percentage of applications for family law matters lodged electronically by private lawyers increased from 86% of all applications received in June 2007 to 92% in June 2008.

Panels

Many private lawyers doing legal aid work are members of panels. These panels are an important initiative aimed at improving the delivery of legal aid services to the community as well as our relationship with private lawyers. Panels are being progressively implemented across all law areas. On appointment to a panel, members of the private profession sign a service agreement and agree to comply with practice standards and audit arrangements. They are able to undertake legal aid work in the areas of law covered by the respective panel.

Panels strengthen our relationship with the private profession by ensuring transparency in the assignment process, and agreement on the terms on which our relationship is conducted. Having practice standards in place for panels ensures the delivery of quality legal aid services to our clients.

During 2007–2008, panels operated in Children's Criminal

Law (specialist Children's Courts), Care and Protection, Court of Criminal Appeal, Veteran's Law, Independent Children's Lawyers and General Family Law.

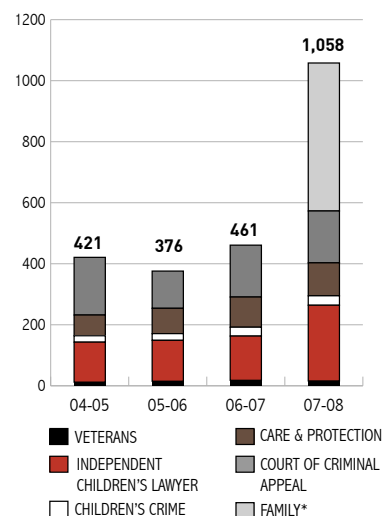
In February 2008, we established the new General Family Law Panel, appointing a total of 489 private lawyers in metropolitan and regional NSW, making this our largest panel.

The Care and Protection Panel was expanded in November 2007 to cover all Children's Courts throughout NSW. An additional 93 lawyers in metropolitan and regional NSW have been appointed to this panel.

We conducted 10 information and training sessions during the year to update staff on the implementation of the new Family Law Panel and the other new panels to be introduced later in 2008.

We established our largest panel yet—the Family Law Panel with 489 private lawyers.

LAWYERS ON PANELS 4 YEAR TREND



Note: Panels were established in 2004–2005
* Family Law panel established 2007–2008

Audit program

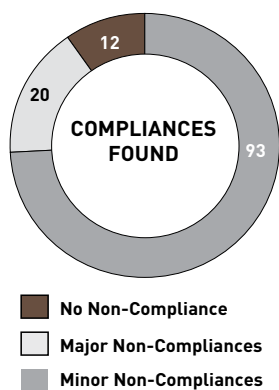
We regularly undertake reviews and audits of private practitioners who do legal aid work. This is a way of ensuring that Legal Aid NSW policies and procedures are equitably and consistently applied, and that legal aid clients are receiving a high standard of service. The expansion of panels and the electronic lodgement of legal aid applications across all law areas reinforce the need for Legal Aid NSW to have an effective audit process in place.

This year, we continued to implement our audit strategy for private lawyers who are members of our panels. Under this strategy, 62 selected lawyers on the Children’s Criminal Law, Care and Protection, Court of Criminal Appeal, Veterans’ Law and Independent Children’s Lawyer panels were audited in 2007–2008.

Of the 62 audits undertaken, 12 lawyers had major non-compliance issues. These included failing to comply with Legal Aid NSW policies, practice standards and service agreements. A number of these practitioners have been scheduled for follow up audits.

A total of 184 practitioners have been audited since the strategy was introduced in 2005.

AUDIT RESULTS 2007–2008



Note: These audit results are based on the number of files audited per private lawyer.

Regional Solicitor Program

We placed nine lawyers in rural locations selected to be part of the Regional Solicitor Program. The program was established in 2007 to ensure there are enough lawyers in rural areas to undertake legal aid work. Early results of the 12-month interim evaluation indicate a significant number of legal aid services were delivered which otherwise would not have been provided in these rural areas (page 30).

Raising awareness

We encourage members of the private legal profession to take up opportunities to conduct civil law matters under grants of legal aid. To ensure that our external partners are aware of the availability of legal aid in civil law matters, regular information sessions were held with regional law societies.

Mandatory Continuing Legal Education sessions run by Legal Aid NSW are well attended by external partners. Our inhouse practices are involved in a number of collaborative projects (including legal representation, community legal education and policy work) with community legal centres and the Aboriginal Legal Service, which also provide opportunities to continue strengthening these crucial relationships.

Fee review

A key Corporate Plan target is to review the fee structure for payments to private lawyers and adopt a new methodology for determining fees. Streamlining and standardising fee scales will ensure that our method of settling fees will be clear, consistent and transparent. This year the Legal Policy Branch conducted research for an initial consultation paper and consulted widely with representatives of each program area and the Grants Division.

The year ahead

The new grants management system, ATLAS, will be implemented (pages 45, 47). Once ATLAS is implemented, electronic lodgement will be available in all areas of law. Over the next six months, we will increase the current level of electronic lodgement of applications by private lawyers in readiness for the new system, and provide training and support in the use of the system.

We will aim to establish new panels in General and Serious Criminal Law, Prisoners Legal Services, General Civil Law, Mental Health Advocacy and the Domestic Violence Solicitors Scheme. The General Criminal Law Panel is expected to be the largest of our practitioner panels.

We will also undertake more audits of panel members and review the audit strategy to reflect the addition of the new panels, and commence audits of the newly formed Family Law Panel.

The next phase of the fees review will consider various options for formulating fees in each program area. Wide consultation will take place internally and also with our external partners. The review will establish a methodology for reviewing fees by 31 March 2009.

Key challenge

The year ahead will see us balancing a busy workload with a transition to a new system – the biggest system change we have seen in years. However, implementing our new system will give us the opportunity to review and improve our processes as well as the service we provide to clients, and our legal service partners – private lawyers.

Aboriginal partnerships

Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) signed a *Memorandum of Understanding* in 2006, reflecting the joint commitment of both parties to assist Aboriginal people in NSW to promote and protect their legal rights. The spirit of this important MOU governed our achievements this year.

MAJOR ACHIEVEMENTS

Services for Aboriginal people

Criminal lawyers provided advice to Aboriginal children at juvenile justice centres through the Legal Aid NSW visiting legal service; and represented Aboriginal people at courts, including weekend bail courts, when the Aboriginal Legal Service (ALS) was not available to provide these services. We also partly funded a criminal law position in the ALS at Griffith.

A review of civil law outreach services to the Aboriginal Legal Service commenced in October 2007 (page 14). The review showed that many Aboriginal people are not aware that Legal Aid NSW provides civil law services. A promotional campaign was launched to better inform the community about the availability of legal aid in civil law matters. Posters with artwork by Aboriginal artist Bronwyn Bancroft were

displayed in Aboriginal Legal Service offices and other key locations.

In June 2008, after extensively consulting with Aboriginal communities, Legal Aid NSW established a family law (care and protection) service at Mt Druitt (page 14).

Combined resource

The Aboriginal Working Group of the NSW Legal Assistance Forum brings together key agencies involved in the delivery of legal services in NSW. Chaired by Legal Aid NSW, this group started work on a civil law resource with Aboriginal communities in the Northern Rivers area of NSW. Using a combination of case studies and advice clinics, the new resource will raise awareness about civil law issues in Aboriginal communities and advise Aboriginal people on how to seek remedies for those issues.

Holistic response

Innovative partnerships have been established with agencies not directly involved in the administration of justice in NSW. It has been shown that a holistic response is required to address extreme social disadvantage experienced by many Aboriginal people (page 13).

The year ahead

We will negotiate a new Memorandum of Understanding with the Aboriginal Legal Service in 2008-2009.

Our Criminal Law Division will continue to strengthen its valuable partnership with the Aboriginal Legal Service by representing Aboriginal people at courts when the ALS is not able to provide these services.

We will work with our partners to both reduce the barriers that have inhibited Aboriginal people from accessing Legal Aid services as well as seeking innovative solutions to the issues that affect Aboriginal people in the justice system.

Partnership agencies will be invited to take part in our new *Aboriginal Cultural Awareness Program* so they are in a stronger position to provide culturally sensitive services to Aboriginal clients and communities (page 44).



Ruth Pilkinton from the Child Support Service explains changes in child support laws to multicultural community workers at Bankstown.

TRAINING OUR PARTNERS

Changes in the law can have a significant impact on our clients. In these cases, Legal Aid NSW has a role in providing training and information programs to ensure the community and service providers are aware of what the changes mean for them.

On 1 July 2008 the most significant changes to the child support scheme since its inception commenced. During 2007-2008 the Child Support Service has taken a lead in providing training and information to legal practitioners and community groups on the impact of the changes. Training sessions were provided across the state including at Coffs Harbour, Port Macquarie, Bathurst, Dubbo, Tamworth, Penrith, Wagga, Albury, Deniliquin, Finley, Gosford and Grafton; to staff at six Family Relationship Centres; to Community Legal Centres, LawAccess NSW and to Women's Domestic Violence Court Advocacy Service workers.



BUILDING ORGANISATIONAL CAPABILITY

Pursue continuous improvement across the organisation

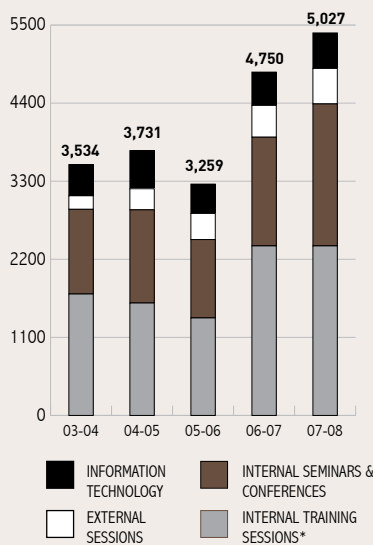
Members of the User Testing Team apply their skills to ensure the new grants management system will serve us well into the future (page 45).

Key achievements

- Surpassed our target for employing Aboriginal staff
- Introduced new staff training programs
- Developed two major IT systems ready to launch in 2008–2009

Staff played a key role in organisational change this year, contributing their knowledge in the lead up to introducing two new systems.

COURSE ATTENDANCES 5 YEAR TREND



*This is the first year that Grants Officer training is included.

This year there were 5,027 attendances at all training sessions, conferences and seminars—this represents a 42.2% increase over the past five years.

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| People: staff numbers | 39 |
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People

Our people are the key to building organisational capability. Our highly qualified lawyers and advocates and efficient and customer-friendly support staff teamed up to deliver high quality legal services across the State.

Legal Aid NSW worked towards providing a stimulating, challenging and rewarding workplace in which our people learn and develop in a team environment and are valued for their contribution.

Legal Aid NSW is a statutory body established under the *Legal Aid Commission Act 1979*.

The Office of the Legal Aid Commission and the Legal Aid Commission Temporary Staff Division are Divisions of the NSW public sector, established under the *Public Sector Employment and Management Act 2002* to provide personnel services to Legal Aid NSW.

Of 85 new permanent appointments, 42 (or 49.4%) were in regional offices.

STAFF NUMBERS - 5 YEAR TREND

| Year | FTE* figures** financial year end | Actual staff number financial year end |
|------|--------------------------------------|---|
| 2008 | 784.77 | 852 |
| 2007 | 742.31 | 805 |
| 2006 | 709.54 | 767 |
| 2005 | 675.86 | 730 |
| 2004 | 669.94 | 721 |

*FTE: full time equivalent. ** For more details see page 132.

Staff numbers

As at June 2008, Legal Aid NSW employed 852 staff in the equivalent of 784.8 full-time positions with 373 positions (337 FTE) located in regional offices and the balance in the Central Sydney office. No staff were employed by the Legal Aid Commission Temporary Staff Division.

MAJOR ACHIEVEMENTS

Staff health

This year we expanded our *Stay Healthy Program* to include a quit smoking program and defensive driving skills course.

A new course, *Managing Psychological Injury*, better equipped our managers with the skills needed to deal with stress and depression in the workplace.

We reached an agreement with the Attorney General's Department of NSW to publish health related tips on our Intranet.

Excellence Awards

In recognition of outstanding performance and achievement, Excellence Awards were introduced for individuals or work groups. The first awards will be presented in 2008-2009.

LEARNING AND DEVELOPMENT

Legal Aid NSW aims to be a professionally and personally rewarding place to work. This year, we supported our staff to be highly skilled, responsive, innovative and flexible team members through a range of new training and self-development initiatives.

This year, there were 5,027 attendances at training activities including conferences, with 1,369 external attendances. See page 130 for details.

We completed a review of all training areas to ensure all staff have the best possible access to training for ongoing professional development.

Developing our staff

Training programs which helped our staff meet high professional standards, included:

- Working with the Public Interest Advocacy Centre, we developed and piloted a one-day *Law for Non-Lawyers* course to equip our administrative staff to work effectively in the legal environment.
- A number of advocacy-focused sessions, such as *Defended Hearings*, have been run to further improve our lawyers' advocacy skills.
- A Mental Health Training Day which was opened up to private practitioners. The day focused on skilling lawyers in changes to the *Mental Health Act 2007* and their implications.
- Employing a barrister experienced in employment law and an occupational health and safety educator to run sessions that were web cast to remote areas. The sessions were also run in Wagga Wagga in partnership with the South West Slopes Law Society.

Staff movements 2007-2008

| | |
|---------------------|--------------------------------|
| New permanent staff | 85 (42 in regional offices) |
| Promotions | 51 |
| Staff departures | 37 |



A new group of lawyers celebrates achieving specialist accreditation in criminal law.

- *Demystifying Mental Illness* courses to provide staff members with a better understanding and enhanced communication skills to deal with clients who have a mental illness.

This year there were nine new applications for criminal law accreditation supported by our organisation. Legal Aid NSW has 69 lawyers with Specialist Accreditation from the Law Society of NSW – 41 in criminal law, 23 in family law, five in children’s law, one in advocacy and one in personal injury (two lawyers have double accreditation).

As part of our Management Development Model, three managers have been sponsored in the Public Sector Management Program, Learning for Leadership and another who graduated from the University of Sydney Graduate Diploma has been sponsored to the Graduate School of Government Masters in Public Administration. Three staff accepted into the 2007 program are expected to complete it this year. Sponsorship to Masters level will be considered for suitable graduates. The Diploma of Business, also part of this model, now has 108 graduates.

Client focus

In 2007–2008 we introduced a number of new programs, and expanded others, to develop the skills of our staff to assist them to provide more effective services to specific client groups:

- *Cultural Diversity Awareness and Using Interpreters* was run 15 times across 13 locations, from Newcastle to Wollongong and Penrith, to provide training for 173 Legal Aid NSW staff, and 21 Women’s Domestic Violence Court Advocacy Service staff.
- *Working with Muslim Clients* training, providing staff with a better understanding of Islamic culture and family issues.
- *African Culture and Migration/Refugee Issues* provided a greater understanding of the experiences of Sudanese people new to Australia.
- An introductory course suitable for both lawyers and support staff, *Demystifying Drugs and Alcohol*, was run six times, including at Dubbo, and provided staff with good overall understanding of the issues, strategies and resources needed to work with clients affected by drugs and alcohol.

- The very successful, *Dual Diagnosis and Substance Dependence Workshop – A Guide For Lawyers*, run in partnership with the Hunter and New England Area Mental Health Service and Attorney General’s Department of NSW, was expanded this year with five sessions across the state and a total of 107 participants including 88 external lawyers.

Training for good health

Staff health and wellbeing has been another focus this year with the following programs:

- The 11 participants attending the *Achieve Work-Life Balance* program reported increased ability to recognise, take action and to manage their individual stress triggers.
- 30 staff participated in the informative and practical *Personal Protection—Self Defence* workshop and gained confidence to defend themselves when necessary.
- Attendees at a new program, *Managing Psychological Injury*, reported greater awareness of their responsibilities plus increased skills in identification and management (page 42).
- Team-specific workshops helped staff deal with workplace stress and manage change.
- Our staff face a high volume of reading as part of their daily work. *Speed Reading* provided skills and techniques to improve reading speed and comprehension.

Online education

This year we developed a Learning Management System to facilitate e-Learning. It will allow staff, private practitioners and partner legal service providers to access online educational activities anywhere, at anytime (page 45).

Staff, particularly in regional offices, can now take part in training sessions and conferences using web cameras or catch up on presentations they have missed via podcast in their own time.

Conferences

Our civil, criminal law, family law and care and protection conferences were again well attended by both inhouse and external lawyers as were a number of seminars. Regional staff have welcomed the initiative to attend some sessions via web cast, particularly in the civil law area. There were 1,898 attendances at conferences and seminars, with 982 external attendances. See page 131 for details.

GOOD COMMUNICATION

Our staff newsletter, *Verbals*, played an important role this year keeping staff abreast of important developments.

Always informative and relevant, this year the newsletter focused on change in the workplace. An issue dedicated to change management and technology explained the impact of new systems that are about to be introduced. Another edition focussed on the work Legal Aid NSW conducts with Aboriginal communities and clients. It was also a forum for Aboriginal staff to share their response to the Federal Government's Apology to the Stolen Generation which was given on 13 February 2008.

EQUAL EMPLOYMENT OPPORTUNITY (EEO) ACHIEVEMENTS

Legal Aid NSW is committed to promoting equal opportunity in employment.

Key initiatives this year included:

- A second Aboriginal law graduate was recruited as part of the second intake of the Career Development Program.
- 19 new Aboriginal staff were recruited this year. There are currently 27 Aboriginal staff members which represents 3.4% of our staff. Of these, 19 work in clerical and managerial roles and eight work in legal positions.

EMPLOYING ABORIGINAL PEOPLE

We increased the number of Aboriginal staff to 3.4% of total staff, well above the target of 2%.

Legal Aid NSW established an Aboriginal Services Unit in 2006–2007 with the positions of Director, Aboriginal Services and Senior Project Officer.

The Unit's role is to work with all areas of Legal Aid NSW to:

- develop strategies for increasing Aboriginal employment and ensuring that Legal Aid is a culturally appropriate workplace;
- implement service delivery improvements to Aboriginal people and communities; and
- establish and maintain partnerships with peak Aboriginal organisations and communities.

Aboriginal people have long been under-represented in the NSW public sector. To provide greater employment opportunities for Aboriginal people, the Unit introduced an Employment and Career Development Strategy

2007–2009. The strategy sets specific targets for 2% of the Legal Aid NSW workforce to be Aboriginal by June 2008 and 4% by June 2009. At June 2008 the percentage was already over 3%.

Another major initiative under the strategy has been the very successful Bob Bellar Pathways to Legal Careers. The program's main achievements this year include:

- two scholarships of \$5,000 provided to two high school students to assist them to complete their Higher School Certificate so they can go on to tertiary studies;
- two cadetships to undergraduate Aboriginal law students and two placements in both the Graduate and Professional Legal Placement Programs; and
- professional support to Aboriginal staff through an Aboriginal Staff Network and Aboriginal Mentoring Program.



Aboriginal staff members were introduced to their mentors at the start of 2008.

- Regular induction programs for new staff members to ensure that all new starters are aware of Legal Aid NSW policies and procedures, including a component on human resource issues.
- *Ongoing Selection Techniques and Selection Techniques* refresher courses to ensure that all selection panel convenors are able to undertake a merit selection process.

Trends in the representation and distribution of EEO groups are on page 133.

Women’s role and status

This year six women were permanently appointed to the position of Solicitor-in-Charge in Campbelltown, Nowra, Wagga Wagga, Burwood, Wollongong and Fairfield regional offices. This now makes a total of 13 women leading regional offices across the 21 regional offices. It reflects the overall and ongoing supportive culture of the organisation in providing flexible work practices and enabling developmental opportunities. For the first time, 10 women from Legal Aid NSW attended an International Women’s Day Breakfast in Sydney on 7 March 2008. Their attendance was sponsored by Legal Aid NSW as a corporate event.

Six women were appointed Solicitors-in-Charge of regional offices.

PERSONAL ACHIEVEMENTS



Director Family Law, Judith Walker (left) was awarded the Public Service Medal in the Australia Day Honours list for “outstanding public service

to the development of family law in Australia”.

Lawyer Dora Dimos was one of four Australia and New Zealand School of Government alumni graduates to be awarded the Premier’s Development Award for outstanding achievement in the Executive Master of Public Administration. The Awards were presented by the Premier at a special function on 12 June 2008. As part of the Premier’s Development Award Scheme, Dora will have an opportunity to work on a significant project at the Department of Premier and Cabinet.



Dora Dimos receives her award from the Premier of NSW, Morris Iemma.

Photo: Mark Donaldson Photography.

Children’s lawyer Louise Sutherland (below, right) was awarded the Excellence Award in Government Legal Service on 30 October 2007 by the Law Society of NSW. Louise won the award for her tremendous work on the *Not Guilty* project, running 83 crime prevention workshops for 2,611 young people and 182 youth workers. This year the project took another step under Louise’s hand, resulting in *Burn*, a DVD for young people (pages 12, 24).



‘Excellent’ lawyer Louise Sutherland (right) with manager, Teresa O’Sullivan (left).

OCCUPATIONAL HEALTH AND SAFETY (OH&S)

Legal Aid NSW has met the targets required under the *Working Together Strategy* ensuring continuous improvement to our OH&S and injury management processes.

Human Resources Management updated all OH&S policies and guidelines to reflect the current legislation and environment.

New health initiatives and training programs were introduced under the *Stay Healthy Program* (page 40).

Our new *Managing Psychological Injury* course ensures that all managers are provided with the tools to identify causes of psychological injury and how to deal with it.

Our OH&S Committee actively reviews OH&S issues in the workplace. Committee membership is listed on page 140.

This year, the committee took an active role in:

- *Stay Healthy Program* initiatives;
- new ground floor interview rooms in head office;
- OH&S and Injury Management targets achieved under the *Working Together Strategy*;
- security procedures;
- OH&S issues associated with the Parramatta Justice Precinct and the new Parramatta Children’s Court; and
- office inspections and OH&S awareness-raising information sessions throughout Legal Aid NSW.

Workers’ compensation

The cost incurred to 30 June 2008 of new claims reported

WORKERS COMPENSATION CLAIMS

| Type of claims | No of claims for 2006 -2007 | No of claims for 2007-2008 |
|--|-----------------------------|----------------------------|
| Workplace | 8 | 8 |
| On Duty (not at office) | 1 | 6 |
| Journey | 6 | 9 |
| Recesses – lunchtime & authorised breaks | 2 | 2 |
| Total claims accepted | 16 | 21 |
| Claims declined | 1 | *Nil |

WORK RELATED INCIDENTS

| Type of claims | No of claims for 2006-2007 | No of claims for 2007-2008 |
|--|----------------------------|----------------------------|
| Workplace | 10 | 7 |
| On Duty (not at office) | 1 | 7 |
| Journey | 8 | 5 |
| Recesses – lunchtime & authorised breaks | 6 | 5 |
| Total | 25 | 24 |

*Of the four claims that were lodged in the 2007-2008 reporting period and not accepted as claims or declined, one claim was withdrawn, two claims were not accepted following investigation and one claim remains under investigation.

in 2007-2008 was \$111,126 compared to \$66,719 in 2006-2007, an increase of \$44,407. The number of accepted claims (including claims accepted under provisional liability), increased from 16 in 2006-2007 to 21 in 2007-2008.

One psychological stress claim was lodged this year incurring costs of approximately \$46,184 or 41.6% of the total cost of claims for 2007-2008.

The number of psychological stress claims lodged in 2007-2008 decreased to one, from three claims in 2006-2007 (with two of these claims subsequently declined).

Of the claims accepted this year, 13 were fall/slip and five were body stress claims amounting to \$62,662 in 2007-2008 or 56.4% of the total cost of claims.

The number of full time equivalent (FTE) staff (on average) for this financial year is 784.77, an increase of 42.46

from 742.31 in 2006-2007. The average worker’s compensation claim cost-per-staff-member in 2007-2008, is \$141.60, based on the full time equivalent (FTE) staff number of 784.77. In 2006-2007 this cost was \$89.88 based on an FTE of 742.31.

The increase in claims and associated costs during the period does not exhibit any identifiable pattern. Legal Aid NSW will continue to pursue the established risk management approach to health and safety with a view to identifying any issues of concern before they can result in injuries/incidents and claims.

Work related incidents

Two claims were lodged this year. One incident occurred in 2005-2006 and the other

in 2006-2007. Figures and costs incurred by these two claims have been included in the 2007-2008 figures (one claim is currently under investigation).

The total number of reported ‘Incident Only’ has decreased slightly from 25 in 2006-2007 to 24 in 2007-2008.

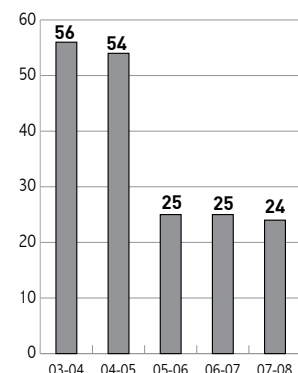
Employee relations

This year, we redefined the role of employee relations to deliver a whole of services package, including industrial relations, organisational development and risk management to Legal Aid NSW.

Matters arising from the reviews of Information Technology, Operational Support and Finance branches were managed in such a way as to minimise any industrial impacts on staff.

Staff served on various internal committees such as the Peak Consultative Committee, Human Resources Sub-Committee, Occupational Health and Safety Committee, Access & Equity Committee, Training and Development Steering Committee and the Social Committee (page 144).

TOTAL STAFF INJURIES/ ACCIDENTS 5 YEAR TREND



STAFF REVIEWS

Reviews tell us what is working and how we can do things better.

We reviewed key areas to make sure programs were running at their best. Recommendations from these reviews help us make improvements where they are most needed and where they will provide greater benefits to our staff.

Career Development Program

We introduced a Career Development Program in 2007 to allow four graduate lawyers to take up two-year placements. The program offers rotations across two practices, involvement in the Legal Aid Mentoring Program and a host of development opportunities.

Our review showed the program was very successful. The program will continue in 2008-2009 with four more graduates coming on board.

Training review

External consultants reviewed our training and development program, in particular our ability to provide educational opportunities for staff and external participants in the context of a changing environment. A number of recommendations were made.

Role review

An independent review of Legal Support Officer (LSO) roles was undertaken across Legal Aid NSW. We employ 179 LSOs, in both permanent and part-time capacities. Completed in December 2007, the review made recommendations about allocation of legal representation, reception duties, workload, job rotation, relief work and temporary positions, training and the impact of the new case management system. Consideration of recommendations is underway with implementation of accepted items anticipated by 31 December, 2008.

EMPLOYEE RELATED POLICIES

Human Resources reviewed and updated policies and procedures relating to purchasing laptops, salary sacrifice arrangements, managing and reporting unsafe incidents, child protection policies, travel, use of the employee self service user software, and working from home.

The year ahead

Legal Aid NSW will strengthen its organisational capacity by further developing the skills and talents of its staff. We will achieve this through:

- more training in regional areas;
- inter-agency partnerships; and
- more opportunities for management training.

Accepted recommendations from the review of training and development will be implemented.

There will be a strong focus on developing e-Learning so that staff have quick access to a comprehensive education portal that meets their broad education needs.

More initiatives will be introduced under the *Stay Healthy Program*.

Our key EEO initiative will be to increase the number of Aboriginal staff members to 4% by 30 June 2009.

One of our most important initiatives will be providing *Aboriginal Cultural Awareness* training to all Legal Aid NSW staff. Courses will also be available to key partners such as Aboriginal Legal Service lawyers and private lawyers.

Key challenge

Our main challenge will be to enhance and coordinate learning and development across Legal Aid NSW, and to private practitioners.

We also face the challenge of not only recruiting new Aboriginal people, but also retaining existing staff. Cultural awareness training, as well as the Aboriginal Staff Network and the Aboriginal Mentoring Program will play an important role in achieving this goal.

Systems and processes

Strong systems and processes provide a platform for building organisational capability and help us provide clients with a high quality services. This has been a defining year for Legal Aid NSW in this area. After several years in the making, new systems for processing all applications for legal aid are ready for launching.

MAJOR ACHIEVEMENTS

During the year, teams of staff and managers put enormous effort into preparing and testing a new grants management system, ATLAS, that will meet the needs of our organisation and clients into the future.

ATLAS was developed jointly for Legal Aid NSW and Victoria Legal Aid by an external software development company. Construction of ATLAS was completed by the software developers during 2007–2008. As at June 2008 the system was in the last stages of being tested for implementation in 2008–2009.

This new system will usher in a new way of doing business with private lawyers.

It will allow Legal Aid NSW to process applications more quickly and provide us with better management information about grants of aid.

A new case management system, CASES, was implemented on 1 July 2008 for the inhouse legal practices. CASES will help us manage workflow better and coordinate appointments and court schedules associated with legal representation. CASES will be fully integrated with the new grants management system, ATLAS, during 2008–2009.

Managers acknowledge the important role staff have played in helping develop and test the new system. Their knowledge and expertise have been invaluable in guiding this major project.

TECHNOLOGY

Information technology played a big role in assisting the organisation to deliver services and to achieve our main goals.

E-Learning

Legal Aid NSW commenced a project during 2007–2008 to implement an e-Learning platform for Mandatory Continuing Legal Education (MCLE) activities, and general training and development, as well as supporting electronic interaction with clients and business partners to deliver training and information on a broad range of subjects.

A software developer was selected during the year and development of an e-Learning platform was near completion as at June 2008, with implementation anticipated early in 2008–2009.

Publications online

We replaced our paper-based ordering system for publications with an online system. It allows greater flexibility for ordering publications from our web site, as well as improving inventory management of our publications stock.

All online publications are now provided in alternative accessible formats, for people who are vision impaired.

Policy Online

Policy Online, now a major resource for staff as well as clients and other external stakeholders, is an evolving tool. Throughout the year, more resources were uploaded onto the site to better meet the needs of users.

Internet and Intranet review

Legal Aid NSW commenced a review of its Internet and Intranet during the year. The outcome of this review will define the structure of the revised Internet and Intranet websites which are to be implemented in 2008–2009.

Records management

With increased deployment of information technology in administrative and business processes, effective management of electronic records is becoming vital to the operation of our business, as well as to ensure full compliance with the *State Records Act 1998*. Legal Aid NSW has used the TRIM records management system for a number of years, and is in the process of extending its use. A project is well underway to extend the use of TRIM throughout Legal Aid NSW to manage electronic records across all business areas. TRIM will manage electronic documents created or received within desktop applications



Staff played a vital role in developing and testing the new grants management system. Here members of the Work Pool Group assess the system's impact on workflows.

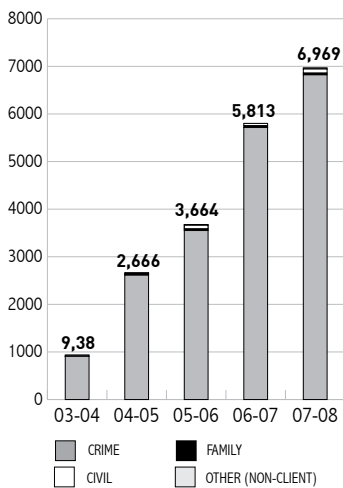
Photo: Vanessa Caruana

such as word processing and email systems. More significantly, TRIM will be seamlessly integrated with our new core business systems, including CASES and ATLAS, to facilitate centralised and compliant management of all electronic documents.

Audio-visual links

During 2007–2008, Legal Aid NSW completed a rollout of audio-visual link (AVL) services to all regional offices. The use of AVL equipment by Legal Aid NSW staff has increased significantly over the last four years. In 2003–2004 Legal Aid NSW staff used AVL facilities on 938 occasions to conduct interviews and bail applications. By 2007–2008 this had risen to 6,969. See graph below.

**AVL CONFERENCES HELD
5 YEAR TREND**



Infrastructure

During 2007–2008 Legal Aid NSW began implementing virtualisation of server infrastructure—an approach now becoming mainstream—where a pool of servers can be deployed to manage all corporate applications rather than using dedicated servers for each individual application.

In the longer term this has the potential to reduce the number of servers required by Legal Aid NSW, reducing both purchase costs and energy usage.

The year ahead

During 2008–2009 Legal Aid NSW will be replacing the majority of desktop PCs and server infrastructure across regional offices and Central Sydney, providing significant performance and stability improvements to staff, as well as ample capacity to run new applications.

Management reporting systems will be reviewed. The existing data warehouse facilities will be extended to cater for the introduction of the new grants and case management systems.

A simpler and more comprehensive database for the Women’s Domestic Violence Court Advocacy Program will help to record data about domestic violence matters including clients’ details and services delivered.

There will be major changes to the Internet and Intranet, supported by a new content management system for both sites. Policy Online will be improved following an evaluation.

An integrated knowledge resource system with procedural manuals, directions and the *Mental Health Practice Kit* will be added to the site in the next 12 months.

LOCATION CHANGES

This year we relocated several sections of our organisation, increasing their capacity to provide services to their clients.

Regional offices

We relocated 46 staff from Central Sydney, regional offices, Parramatta and Penrith to the Parramatta Justice Precinct. As a result, the Prisoners Legal Service and the Children’s Legal Service are now closer to the relocated Parole Authority and the main Children’s Court. The Child Support Service relocated to Parramatta in December 2007.

Upgrades

Work continued upgrading our client service facilities at Blacktown, Burwood, Lismore, Parramatta and Central Sydney. Next year’s focus will be Newcastle and Central Sydney.

REDUCING OUR ENVIRONMENTAL FOOTPRINT

As a government agency, Legal Aid NSW is required to meet a range of targets to reduce our levels of waste, increase recycling and reduce our greenhouse gases. To meet corporate targets, Legal Aid NSW has established a small fund for implementing staff initiatives that contribute to achieving sustainability objectives.

Legal Aid NSW is strongly committed to increasing environmental sustainability levels within the State Government’s key “green” targets. We increased our use of green power by 1% by installing time switches on heaters and we purchased a second ‘green’ car. Paper consumption was also reduced by 2.7% organisation-wide.

In accordance with the Government's Waste Reduction and Purchasing Policy (WRAPP), we reduced paper waste and only used suppliers with a high recycling rate. Only 100% "green" paper was used.

We will keep striving towards a carbon neutral footprint as part of our corporate sustainability leadership goals. This will include identifying the emission sources within the organisation as well as collating data and identifying actions that will reduce our carbon footprint.

SERVICE REVIEWS

Business areas

Recommendations from reviews of the Finance, Operational Support and Information Technology Services were implemented. The recommendations are very targeted and will assist us to achieve our corporate goal of continuous improvement in building organisational capacity.

Library

Legal Aid NSW lawyers have a tremendous resource in their library. However, with technology and legal publishing changing so rapidly, we need to ensure the library is in a strong position to provide support services into the future. An independent review found the library was an excellent service.



Independent consultant Robyn Gray examines the capacity of the library to support Legal Aid NSW staff.

The year ahead

We will implement, monitor and support the roll-out of the new case management, grants management and document management systems. We will finalise new business processes to support the new systems and train staff in their use. The current level of electronic lodgement of applications by private practitioners will be increased in readiness for ATLAS. Training and support will be provided to private lawyers.

Work will begin on developing a comprehensive knowledge management framework to improve Legal Aid NSW efficiency.

Performance measurement and strategic planning mechanisms will be consolidated and reviewed.

Recommendations from the library review will be implemented.

Key challenge

Integrating our electronic records management system with ATLAS and CASES and implementing the system across all areas of Legal Aid NSW will be our main challenge. Requirements for the systems and integration have been finalised and staff training has commenced.



PROMOTING FAIRNESS AND OPPORTUNITY

Promote a fair and inclusive justice environment

Professor Ian Hickie and the NSW Attorney General, The Hon John Hatzistergos at the launch of Mental Health Links for Lawyers (page 51).

Key achievements

- Commissioned research into the civil and family law needs of Aboriginal people
- Launched two key programs focused on clients with mental illness
- National Legal Needs Survey commenced
- Developed an education program for prisoners
- Increased the means test to reflect the rising cost of living
- Made 43 law reform submissions

We provided a comprehensive submission to the State Government’s Special Commission of Inquiry into Child Protection Services, and gave evidence at the Inquiry’s public forum on the court system.

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Promoting fairness and opportunity

Aside from providing day-to-day legal services, Legal Aid NSW has a broader role in identifying opportunities to improve access to justice. Based on new legislation, government policy and ongoing research into unmet legal need, we introduced policy and service delivery initiatives that will strengthen the protection of rights for disadvantaged people within the justice system.

Our 2007–2008 Corporate Plan encourages us to promote a fair and inclusive justice environment for everyone, but in particular to improve access to justice for prisoners, Aboriginal people and people with a mental illness.

Our Legal Policy Branch in the Strategic Planning and Policy Division ensures that our policies target people who are socially and economically disadvantaged to enable us to make decisions that are fair and consistent.

RESEARCH AND SURVEYS

MAJOR ACHIEVEMENTS

Social inclusion

Governments across the western world are embracing the concept of social inclusion and ensuring their policies assist marginalised people to participate in key social activities. Social exclusion results from people experiencing a range of problems such as unemployment, low incomes, homelessness, poor housing, poor education, poor health, disabilities and family breakdown.

Legal Aid NSW has been working with Professor Peter Saunders, from the Social Policy Research Centre, University of NSW, to develop new indicators for our 'at special disadvantage test' which reflect theories of social inclusion as a measure of social vulnerability.

The Civil Law Division is also adopting a more integrated approach with allied services

such as health and education, in order to ensure better access to legal services and contribute to responses that address social exclusion.

A review of civil law policies has been undertaken in the context of research which shows that disadvantage is multi-dimensional, encompassing not only poverty, but also deprivation and social exclusion. The review makes a number of key recommendations that will improve access to civil law to those at most disadvantage.

NSW legal needs

A recent legal needs study conducted by the Law and Justice Foundation of NSW found that people had multiple, complex legal needs and often did not understand where to go for legal help. The research recommended a strong partnership approach where legal service and non-legal service providers work closely together to help people get off the "referral merry-go-round."

Legal Aid NSW responded by developing widely diverse regional partnerships within the Cooperative Legal Service Delivery Program (pages 30 and 31) and ensuring that its Aboriginal Services Unit adopts a holistic approach in addressing the extreme social disadvantage suffered by Aboriginal people.

Innovative partnerships were established with agencies not directly involved in the administration of justice in NSW. Future initiatives will ensure that legal services work together with community agencies to provide a more coordinated response in providing services to people with multiple needs.

National legal needs survey

In cooperation with National Legal Aid, Legal Aid NSW has engaged the Law and Justice Foundation of NSW to expand the scope of the

original survey. Comprehensive national research into the level of unknown and unmet legal need is necessary to assist in developing a policy for the provision of legal aid that provides national equity and uniform access to justice.

This survey will provide invaluable information for legal aid commissions across Australia to make informed decisions and allocate resources to fill gaps in service delivery. It will also provide the comprehensive research that is necessary to inform policy development at both the Commonwealth and State level for the provision of equitable access to legal aid. Preliminary reports will be provided in December 2008. The final report will be available in April 2010.

Aboriginal research

Legal Aid NSW commissioned a research paper into the civil and family law needs of Aboriginal people and how we can better respond to those needs. Currently being developed by Professor Chris Cunneen of the University of NSW, the research will involve consulting widely with Aboriginal community members and service providers across the state. The final report will be submitted to the Aboriginal Services Unit at the end of October 2008.

National benchmarking of means test

The ability of Legal Aid NSW to match the means test in other States and Territories depends on a variety of factors, but particularly on funding, demand for services and the variety of services offered. Different means tests, legal aid policies and services exist across the country.

In September 2007 Legal Aid NSW increased its means test to take account of changes in the cost of living. Comparisons with the means tests in Victoria, the ACT and Western Australia were provided to the Board.

SPECIAL PROJECTS

Human rights

In June 2005, the Board of Legal Aid NSW endorsed the establishment of a Legal Aid Human Rights Committee (LAHRC). The focus of this Committee is to promote and protect human rights by using specialist knowledge and expertise to assess applications for legal aid in public interest human rights matters.

The Committee has dealt with 33 matters since its inception. There are a broad range of matters recommended for legal aid, including a number of high profile cases. The referrals are mostly from within Legal Aid NSW, community legal centres, and private practitioners.

This Committee was reviewed in 2008. The review found that an appropriate balance of human rights issues are being referred to the Committee, and the objectives set are being achieved.

The review recommends developing strategies to further attract public interest matters which particularly advance or promote human rights jurisprudence, and to devote more attention to our priority client groups.

Highlight case

Defending the rights of young detainees to procedural fairness

In early 2008, during a period in which juvenile justice centres were experiencing overcrowding, a number of detainees over the age of 18 were transferred to adult gaols.

On recommendation of the Human Rights Committee of Legal Aid NSW, we commenced action in the Supreme Court on behalf of a class of 12 juvenile detainees to challenge the decision to transfer the detainees. The 12 plaintiffs claimed that they were denied procedural fairness, that relevant considerations had not been taken into account and that a policy was inflexibly applied without taking into account the individual circumstances of the plaintiffs. Each of our clients had been sentenced for crimes committed as children. In sentencing our clients, the courts had ordered that our clients were to continue to serve their sentence in juvenile detention after turning 18.

We commenced proceedings on behalf of seven young offenders who had already been transferred. An injunction

was sought to prevent the imminent transfer of another five juvenile detainees to adult gaols.

Legal Aid NSW was successful in settling nine of the total 12 cases prior to hearing. An agreement was reached not to proceed to transfer four of the five detainees who had been subject to the injunction and to return two young offenders in adult gaol back to a juvenile justice centre. A further three plaintiffs withdrew from the litigation.

Postscript: Since the preparation of this report, the final three plaintiffs who had been transferred to an adult gaol attended a hearing. The Court upheld their claims, finding that the decision to transfer was unlawful and the plaintiffs were promptly returned to juvenile detention.

ID & Ors v Director General, Department of Juvenile Justice & Anor [2008] NSWSC 966.

Education for prisoners

We developed a statewide community legal education program in prisons. Workshops for prisoners will run from October 2008 to April 2009 (pages 15, 24).

Clients with mental illness

Legal Aid NSW worked with key partners to deliver two initiatives addressing the needs of clients with a mental illness.

The Public Interest Advocacy Centre (PIAC) established a pilot Legal and Education Service for people with a mental illness. The pilot specifically targets the gaps in legal service delivery for people with a mental illness. The service builds effective working relationships with Legal Aid NSW and other legal assistance providers. The pilot will run for two years before being evaluated. The second project is *Mental Health Links for Lawyers* (see next page).



Members of the Human Rights Committee met monthly to consider which public interest matters would best advance human rights jurisprudence.

The year ahead

Our Legal Divisions are at the forefront of delivering legal services to disadvantaged communities. There is great potential to continue to develop strategic and innovative responses to issues that affect the fundamental rights of socially and economically disadvantaged communities.

We will develop service delivery strategies to improve our capacity to meet the civil and family law needs of Aboriginal people.

We are looking forward to the findings of legal needs research currently being undertaken. This research will provide unique and valuable insights and be critical in guiding the way in which services are delivered to disadvantaged communities.

We will adopt a more integrated approach with allied services, such as health and education, in order to ensure better access to legal services and contribute to responses that address social exclusion.

The legal education program for prisoners will be conducted in six gaols.

Key challenge

We need to make sure our civil law services are more accessible to people at disadvantage. The results of the civil law policies review will help us to achieve this.

INQUIRIES

Our response to critical inquiries included:

- A comprehensive submission to the Special Commission of Inquiry into Child Protection Services, established by the State Government. The emphasis in the submission was on the importance of accountability and oversight in the care jurisdiction in the interests of our clients, both children and adults. The submission included a survey of the results of all cases which involved the inhouse practice and were finalised between January and March 2008. It highlighted the impact that the court process, and the participation of legal representatives, for children, have on outcomes for children in these cases. Director Family Law, Judith Walker and Deborah de Fina, Solicitor in Charge of the Care and Protection Legal Service, met with the Commissioner and other Inquiry staff. Ms de Fina

also gave evidence at the Inquiry's public forum on the court system.

- Recommendations to the joint Attorney General's Department and Department of Community Services Inquiry on a proposal to pilot alternative processes for Aboriginal clients at Nowra Children's Court, based on our experience taking part in shaping the Nowra "Care Circles Pilot" which commenced during the year. The aim of the pilot is to improve outcomes for Aboriginal children in care and empower Aboriginal families and communities by reducing any barriers that may exist between courts and Aboriginal people.

LAW REFORM

Law reform and policy work undertaken by Legal Aid NSW is informed by the expertise and experiences accrued through legal representation and advice services. It is vital in addressing systemic issues that affect the rights of socially and economically disadvantaged communities.

Two law reform programs were especially influential in achieving systemic change and championing human rights issues.

MENTAL HEALTH LINKS FOR LAWYERS

In October 2007, Legal Aid NSW launched *Mental Health Links for Lawyers*, a central online information source of mental health services in NSW to help lawyers quickly locate services for clients in need of urgent assistance. This was a project of the Criminal Justice Research Network (CJRN). Legal Aid NSW was the lead agency for the Mental Health Links for Lawyers project. The web portal is located on the Law Society of NSW website, Aboriginal Legal Service intranet, NSW Attorney General NSW Department's intranet, Bar Association daily bulletin and the Community Legal Centres bulletin board. In the first month after the launch, 1,450 visits were made to the new site.

"This new resource is a step in the right direction, promoting the use of mental health services "not late in the piece but early in the piece".

Professor Ian Hickie, keynote speaker at the launch of Mental Health Links for Lawyers and Executive Director, Brain and Mind Research Institute at the University of Sydney.

"This central information source will assist lawyers to identify mental health service options for their clients. This in turn could assist the courts in sentencing options, thereby improving the outcomes for those people with a mental illness."

NSW Attorney General, John Hatzistergos

Predatory Lending Project

Legal Aid NSW, the Consumer Credit Legal Centre and the Public Interest Law Clearing House (PILCH) established this project in 2006 to address problems arising for consumers from inappropriate lending practices.

The project has advocated effectively on a number of levels this year. There has been greater scrutiny of predatory loans through the media, and it is now an issue being targeted at both the State and Federal level. The project now includes all the major consumer credit advocacy organisations in Australia.

This year, we played an active role in helping to reform and develop consumer law in NSW by contributing seven law reform submissions (page 134).

Children in Detention Advocacy Project (CIDnAP)

In force since 2005, this project concentrates on litigation and law reform arising from the unlawful detention or mistreatment of children in the criminal justice system. The project is a joint initiative of Legal Aid NSW, PIAC and PILCH. The Human Rights Committee is currently undertaking groundbreaking litigation in the Supreme Court challenging the policy of the Department of Juvenile Justice that relates to the transfer of young people from detention into adult custody after they have turned 18. The transfer of these young people has occurred despite specific orders by sentencing judges that they serve the entirety of their sentences in detention centres (page 50).

Forty-three submissions

We made 43 law reform submissions on a wide range of issues. See page 134 for a full list. These submissions contributed to ensuring disadvantaged people have a voice in the justice system.

The year ahead

We will undertake policy and law reform work on issues affecting disadvantaged groups in the community.

Our civil lawyers will conduct legal representation focusing on the rights of our priority client groups, including homeless people, people with a mental illness, Aboriginal people and prisoners.

Key challenge

We will consider recommendations from the Special Commission of Inquiry into Child Protection Services in NSW and the implications in the way we provide our care and protection legal services across the state.

EXTERNAL FORUMS

NSW Legal Assistance Forum

The NSW Legal Assistance Forum (NLAF) brings justice agencies together to work collaboratively to improve legal services for socially and economically disadvantaged people in NSW.

In 2007–2008, NLAF:

- commenced an Aboriginal civil law access project in the Northern Rivers region through the Working Group on Aboriginal clients (page 37);
- established a Working Group on the Legal Needs of Older People;
- identified gaps in family law services and ways to address them; and
- identified systemic issues limiting access to interpreting services.

NSW Legal Information and Referral Forum

Key service providers in NSW find new ways of improving the quality of referral services to clients with legal problems. This year, the forum improved referrals from GPs to public legal assistance services through working with the NSW Divisions of General Practice,

and developed strategies to improve pathways for CALD communities.

Inter-agency committees

Legal Aid NSW staff were members of more than 90 inter-agency committees, highlighting the legal needs of disadvantaged communities. (Details on page 145).

National Legal Aid (NLA)

There are eight independent legal aid commissions, one in each of the States and Territories. The directors of the commissions combine to form National Legal Aid (NLA). The commissions are funded by the Commonwealth and the respective State or Territory Governments.

NLA’s main goals are to ensure people, regardless of means, can access free and affordable legal services as well as information about the law.

This year NLA commenced a national legal needs survey to establish the level of unknown and unmet legal need within the Australian community (page 49).

The year ahead

National Legal Aid will promote a coordinated national approach to dispute resolution in legal aid commissions and respond to a “nationally fair means test review”.

The NSW Legal Assistance Forum will:

- identify opportunities for new initiatives to improve the access of prisoners in NSW to civil and family law services; and
- establish mechanisms for appropriate referrals in children’s care and protection matters, including an analysis of who provides services, training referral agencies and developing a communication strategy for legal and non-legal agencies.

CORPORATE GOVERNANCE

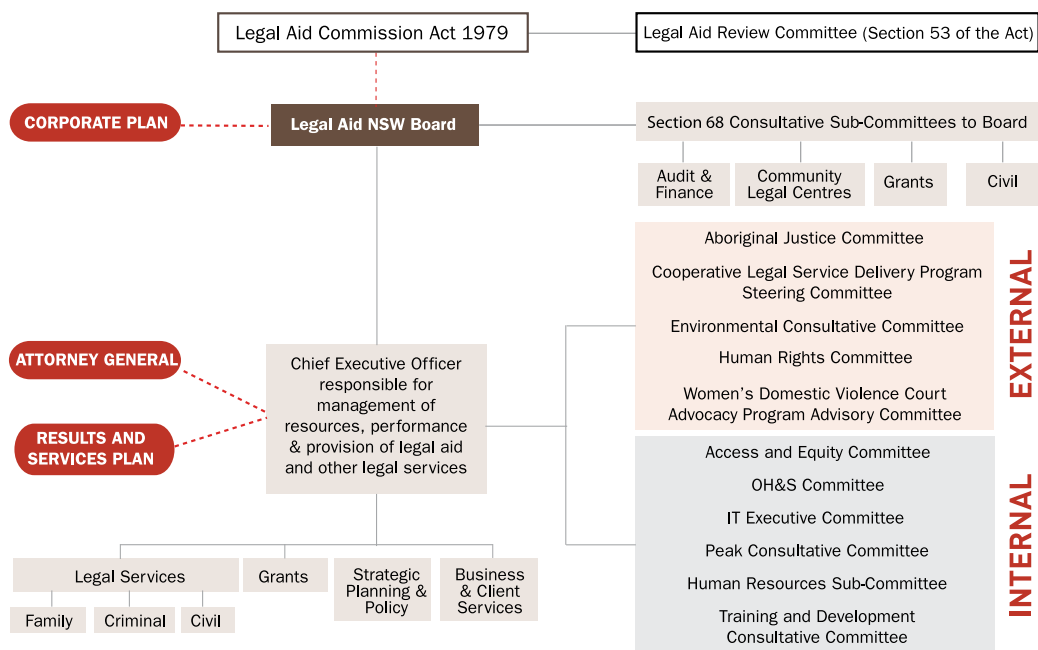
Our corporate governance framework guides us in fulfilling our legislative objectives and ensures we honour our commitment to the community.

Key achievements

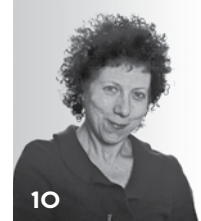
- Expansion of civil law services
- Adopted a single means test model
- 12-month pilot for clients coming under the *Drug and Alcohol Treatment Act*
- Updated mental health policies to reflect new laws

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CORPORATE GOVERNANCE FRAMEWORK



Board members



1 | MR PHILLIP TAYLOR BA LLB Solicitor

Appointed by the Attorney General as Chair. Phillip practises in the area of banking and finance as a consultant at Freehills, where he was a partner for many years, as well as Chair of the Freehills pro bono committee.

Meetings attended [10]

2 | MR BILL GRANT OAM LLB

Appointed by the Attorney General as Chief Executive Officer in 2001.

Meetings attended [4]

After Bill's departure in December 2007, Acting CEO Steve O'Connor assumed this role.

Meetings attended [6]

3 | REV HARRY HERBERT BA BD STM Dip. Legal Studies

Harry is Executive Director of UnitingCare NSW, ACT, representing consumer and community interests. Harry also chairs the Responsible Gaming Fund and the NSW Social Justice Reference Group. He is the longest serving member of the Board.

Meetings attended [11]

4 | 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. In 2001, Linda was awarded a medal as a Member of the Order of Australia for services to public administration and social policy.

Meetings attended [9]

5 | MS PAULINE WRIGHT BA LLB Solicitor

Nominated by the Law Society of NSW. In private practice as a solicitor since 1985, Pauline is a partner at P J Donnellan & Co in Gosford. She was a Councillor of the Law Society of NSW for nine years. She also sits on the Board of Governors of the Law and Justice Foundation, and has been a Vice President of the NSW Council for Civil Liberties since 1996.

Meetings attended [5]

Alternate: Mr Hugh Macken

6 | 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.

Meetings attended [10]

Alternate: Phillip Boulten SC

7 | MR JACK GRAHAME BA Solicitor, Legal Aid NSW

Nominated by Unions NSW. A solicitor for over 40 years, Jack was in private practice before joining Legal Aid NSW Prisoners Legal Service in 1991.

Meetings attended [10]

8 | MR PHILIP BICKERSTAFF MCom

Phil retired from the NSW Public Sector in 2005 after 37 years, 29 of those with the NSW Treasury. Phil was appointed to the Board in 2005 and chairs the Board's Audit and Finance Sub-Committee. He is also a member of the Board of the Festival Development Corporation, Ryde Family Support Service and Fairfield Community Resource Centre.

Meetings attended [10]

9 | MS SARA BLAZEY BA (Hons) Law

Nominee of the Combined Community Legal Centres Group (NSW) appointed in November 2006. A solicitor with the Elizabeth Evatt Community Legal Centre, Sara has been a solicitor for 25 years specialising in family law and domestic violence. She first practised in England and after being admitted as a solicitor in NSW in 1997, has worked in Community Legal Centres.

Meetings attended [7]

Alternate: Ms Maria Girdler

Meetings attended [4]

10 | ASSOCIATE PROFESSOR ANDREA DURBACH

Faculty of Law, University of NSW and Director Australian Human Rights Centre (appointed in February 2007). Before that she was Director of the Public Interest Advocacy Centre and Coordinator of the Public Interest Law Clearing House. She is also Chair of Legal Aid NSW Human Rights Committee.

Meetings attended [8]

LEGAL AID NSW BOARD

A Board with 10 Members determines our broad policies and strategic priorities.

There are nine part-time Board members including the Chairman, and one full-time member, who is Chief Executive Officer of Legal Aid NSW. The part-time Board members are appointed by the NSW Attorney General for a maximum of three years.

The Board is advised on specific matters by a number of committees.

Details of these committees are included on pages 142-143.

Mr Phillip Taylor as Chairman also chairs the Grants Sub-Committee of the Board. Phillip regularly attends senior corporate executive planning activities at Legal Aid NSW.

Geoff Lindsay SC attends the Grants Sub-Committee of the Board on behalf of the NSW Bar Association, and Mr Philip Bickerstaff chairs the monthly meetings of the Audit and Finance Board Committee.

Another active Sub-Committee is the Community Legal Centres Funding Sub-Committee chaired by the Rev Harry Herbert and attended by Board member Ms Sara Blazey.

Associate Professor Andrea Durbach, Faculty of Law, University of NSW and Director Australian Human Rights Centre chairs the new Civil Law Sub-Committee of the Board and also the Legal Aid NSW Human Rights Committee. Senior management welcome the strategic involvement of Board members on these important committees.

MAJOR ACHIEVEMENTS

In carrying out its duties during the year, the Board approved the expansion of the Civil Law Division, providing 10 additional legal officer positions in six regional offices: Nowra, Lismore, Gosford, Wagga Wagga, Campbelltown and Penrith.

The Board resolved to adopt a single means test format, broadly based on Means Test A. The single means test model will start at the commencement of ATLAS.

The Board approved amendments to policies during the year, including:

- Legal Aid NSW mental health policies to reflect changes introduced by the *Mental Health Act 2007*;
- State criminal law policy to make legal aid available in preventative detention matters under Part 2A of the Act;
- Grants to community legal centres policy to enable the Albury Wodonga Community Legal Service to be eligible to apply for disbursements via grants of legal aid for legal work undertaken in NSW in the Albury area and outlying regions;
- Policy for Continued Treatment Orders and Community Treatment Orders before the Mental Health Review Tribunal (MHRT) to enable legal aid to be made available for reviews of continued treatment of patients by the MHRT;
- A 12-month pilot to provide legal assistance for clients detained for mandatory treatment in the pilot of the *Drug and Alcohol Treatment Act 2007*; and
- Increases to the fees paid to psychiatrists and psychologists for the preparation of medico-legal assessments in criminal matters.

Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were 11 meetings in 2007-2008.

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 Legal Aid NSW at meetings with other organisations. The rates of remuneration are \$3,370 per annum for Members and \$28,080 p.a. for the Chairperson of the Board. The Chairperson of the Audit and Finance Committee is also paid an additional \$2,527 p.a. for chairing this Committee. No fees are paid to Members who are salaried government employees or who elect to forego payment.

The year ahead

The Board will comment on client service initiatives including:

- the principle of social inclusion in future policy making;
- the role of multimedia tools in communicating better with clients as our community legal education programs expand;
- how to incorporate the findings of the Special Commission of Inquiry into Child Protection Services (State Government) into our care and protection services.

Directors

1 | **BILL GRANT LLB OAM** (to March 2008)

Chief Executive Officer (SES Level 6)
Budget Total: \$186.552M
Staff: (EFT) 784.77 Total Actual: 852

Bill was appointed as Chief Executive Officer in 2001. He was previously Deputy Director General of the Attorney General's Department of NSW for 10 years. Bill's contribution to Legal Aid NSW has been considerable, in particular his ability to build collaborative partnerships across the justice sector. Bill left Legal Aid NSW in December 2007 to take up the role of Secretary-General of the Law Council of Australia.



2 | **STEVE O'CONNOR** DIP LAW (BAB) DIP CRIM

Deputy CEO Legal (SES Level 4) and Acting Chief Executive Officer
Budget Total: \$76.847M
Staff: (EFT) 132.43 Total Actual: 156

Steve was appointed Deputy CEO Legal Services in 2003. Before that he was the Solicitor for Public Prosecutions in the NSW Office of the Director of Public Prosecutions. Following Bill Grant's departure, Steve acted in the position of Chief Executive Officer from January to June 2008. Steve's main focus was managing budget demands and coordinating the integration of our new case and grants management system.

3 | **RUSSELL COX BCOMM**

Deputy CEO Business and Client Services (SES Level 4)
Budget Total: \$13.799M
Staff (EFT): 91.66 Total Actual: 97

Russell is responsible for providing corporate services. He was appointed to his position in 2003. His earlier experience includes senior corporate service appointments in both the public and private sectors. This year, Russell continued with the reform of corporate services to ensure the provision of professional and supportive services.

4 | **JUDITH WALKER BA Dip Ed MA (HONS) LLB PSM**

Accredited Family Law Specialist
Director Family Law (SES Level 2)
Budget Total: \$20.330M
Staff (EFT): 121.24 Total Actual: 134

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. Judith was appointed to her position in 2004.



The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from seven senior directors.

This year, Judith showed national leadership in the area of family dispute resolution. Judith was awarded the Public Service Medal in the Australia Day Honours List 2008.

5 | **RICHARD FUNSTON** BCOMM LLB EMPA

Accredited Criminal Law Specialist
Director Strategic Planning and Policy (SES Level 2)
Budget Total: \$20.460M
Staff (EFT): 33.3 Total Actual: 36

Richard's earlier experience includes eight years with Legal Aid Victoria and four years as Principal Solicitor of the Inner City Legal Centre in NSW. During his 11 years with Legal Aid NSW, Richard has held leadership roles in a wide cross-section of areas. In February 2007 he commenced with the Strategic Planning and Policy Division. Richard has shown leadership in expanding community partnerships and community legal education programs, and improving performance management.

6 | **BRIAN SANDLAND** BCOMM LLB PSM

Director, Criminal Law (SES Level 2)
Budget Total: \$38.314M
Staff (EFT): 228.54 Total Actual: 241

Brian has 26 years experience with Legal Aid NSW. He held senior management roles in Burwood and Central Sydney before being appointed to head this division in 2003. This year Brian focused on improvements to service delivery through reviews of specialist services, the development of a community legal education resource in the area of crime prevention for young people, and achieved expanded service delivery within budget.

7 | **MONIQUE HITTER** BSW DIP LAW

Director Civil Law
(Senior Officer, Grade 1)
Budget Total: \$14.542M
Staff (EFT): 86.55 Total Actual: 92

Monique began working as a community lawyer at Marrickville Legal Centre and then at Legal Aid NSW at the Coffs Harbour office. She managed the pilot of the Cooperative Legal Service Delivery Program in 2004. Monique has been acting as the Director Civil Law since July 2007. This year, she established the outreach program for homeless people, the Older Persons' Legal and Education Program, and the legal education program for prisoners.

8 | **ANITA ANDERSON** (to March 2008)

Director Grants
(Senior Officer Grade 2)
Budget Total: \$80.388M
Staff (EFT): 91.05 Total Actual: 96

Anita commenced with the Grants Division in February 2007 after three years with Legal Aid NSW Strategic Planning and Policy Division. Anita streamlined procedures within the Division in readiness for a major new grants management system, and improved communication between the Division and private practitioners who undertake legal aid work. From April to June 2008, Manager Operations, Tracey Bosnich filled the role of Director, Grants on a temporary basis.

Organisational chart

CEO

EXECUTIVE SUPPORT

LEGAL SERVICES

CIVIL LAW⁽¹⁾

Civil Litigation
Coronial Inquest Unit
Mental Health
Advocacy Service
Veterans' Advocacy
Service

FAMILY LAW⁽²⁾

Advocates
Care and
Protection
Child Support
Family Dispute
Resolution
Family Litigation

CRIMINAL LAW⁽³⁾

Advocates
Appeals
Children's Legal Service
Committals
Drug Court
Indictable
Inner City Local Courts
Prisoners Legal Service

CLIENT ASSESSMENT & REFERRALS

REGIONAL ADMINISTRATIVE COORDINATOR

LIBRARY

GRANTS

Business Development
Grants Records and Office Services

Operations
Professional Practices

STRATEGIC PLANNING AND POLICY

Aboriginal Services Unit
Access and Equity
Community Legal Centres Funding Program
Community Legal Education
Cooperative Legal Service Delivery
Legal Policy Branch

Legal Aid Review Committee
Planning, Performance & Business Reporting
Publications
Solicitor to Legal Aid NSW
Women's Domestic Violence Court
Advocacy Program

BUSINESS & CLIENT SERVICES

HUMAN RESOURCES

E-Learning
HRM Consultancy
Industrial Relations
& Organisational
Development
Injury Management &
Workers Compensation
OH&S Risk Management
Payroll Services &
Entitlements
Workforce Management
Training & Development

INFORMATION TECHNOLOGY SERVICES

Audio Visual
Links
Client Services
Internet/Intranet
Project
IT Training
Operations
Project
Management
Office
Software
Development

OPERATIONAL SUPPORT

Client Services
Facility
Management
Fleet Management
Property
Purchasing
Records
Management
Security &
Emergency
Services

FINANCIAL SERVICES

Debt
Recovery
Financial
Accounting
Management
Accounting
Systems

INTERNAL AUDIT

(1) Central Sydney office and 13 regional offices

(2) Central Sydney office and 20 regional offices

(3) Central Sydney office and 20 regional offices

Governance framework

Legal Aid NSW is established under the *Legal Aid Commission Act 1979* to improve access to justice for socially and economically disadvantaged members of our community. Legal Aid NSW is an independent statutory body.

Legal Aid NSW has a Board that is responsible for the establishment of broad policies and strategic plans for Legal Aid NSW. The Chief Executive Officer is a member of the Board. Board members appear on page 54.

The Chief Executive Officer is responsible for the day-to-day management of Legal Aid NSW (including financial and human resources, the provision of legal aid and other legal services) 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 Attorney General (page 126). The Directors (Senior Executive Service) have performance agreements with the Chief Executive Officer.

Our work is supported by a range of plans and policies to establish procedural requirements, standards, priorities and coordinate activities. These include our Corporate Plan, Results And Services Plan, Code Of Conduct, Legal Aid Guidelines And Means Tests, Corruption and Fraud Prevention Plan, Information Technology Strategic Plan, Business Continuity Plan, and Branch Business Plans.

Corporate planning

Legal Aid NSW has a corporate planning framework that guides us in planning service delivery, allocating resources and reporting and evaluating performance across all levels of the organisation.

The framework provides direction and guidance for work undertaken by divisions

We have maintained a strong financial control environment.

and individual officers and operational accountability across Legal Aid NSW through regular business and management information reports. The framework guides all Legal Aid NSW work and the results we want to achieve for the community.

In 2007–2008 Legal Aid NSW developed a Corporate Plan for 2008–2009. Strategies are aligned with Legal Aid NSW Results and Services Plan, and where relevant, the NSW State Plan. A number of initiatives focus on improving services for priority client groups: older people, Aboriginal communities, people with a mental illness, homeless people, prisoners, and people experiencing domestic violence.

Ethical behaviour

In providing legal services to our clients we are placed in a position of trust. Accordingly we have established our corporate values as encompassing:

- Integrity – acting ethically at all times;
- Professionalism – providing high quality services;
- Efficiency – using resources responsibly;
- Equity – ensuring equitable access to services;
- Innovation – finding better ways to do things.

These values are emphasised in our Corporate Plan, Code of Conduct, induction training, and policies and procedures.

All of our practitioners are also bound by professional practice standards, and must comply with continuing legal education development requirements, and take part in a range of

skills development and training courses.

Legal Aid NSW adheres to NSW Government Model Litigant and Equitable Briefing Policies by briefing a broad range of counsel and, in particular, women. Our selection of counsel takes into account the interests of clients in securing suitable and expert counsel in particular cases, whilst drawing on a wide pool of candidates.

Financial performance

Legal Aid NSW 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 they have been allocated to achieve their business objectives. Monthly reports which compare actual figures to those budgeted, plus associated revenue and expenditure trends are provided. Detailed monthly financial reports are also provided to the Audit and Finance Committee and the Board. Legal Aid NSW maintains a small funding reserve each year to provide for unexpected expenditure or revenue reductions that may occur during the course of the year.

Risk management and internal controls

Legal Aid NSW regularly conducts risk assessments covering both the strategic and operational risks of its activities. The latest risk assessment was conducted in 2005–2006. An update is currently in progress.

These risk assessments are used to prepare the three-year internal audit plan. Each year an annual internal audit plan is prepared. Each annual audit plan also includes provision for additional audits, should

circumstances change during the course of the year. The risk assessment also supports the preparation of the relevant sections of the Legal Aid NSW Results and Services Plan and Business Plans.

Deloitte Touche Tohmatsu and the Internal Audit Bureau, engaged through the State Procurement Panel Contract, are the current internal auditors for Legal Aid NSW. The internal audit function is overseen by the Audit and Finance Committee of the Board (page 142).

Costing our practice

Legal Aid NSW engaged Deloitte Touche Tohmatsu to review its costing of inhouse services as a result of recommendations by the Audit Office of NSW. They proposed a survey methodology that would see an annual survey of the work undertaken by all staff.

Internal audit online

Copies of internal audit reports are now placed on an online internal audit tracking system, which is accessed via a password. It provides electronic access to all internal audit reports and other audit information and can be easily used to input updates on the implementation of audit recommendations. Directors and senior managers have access to this system.

Business continuity

Legal Aid NSW has a Business Continuity Management Plan that is to be initiated when a risk event occurs that results in our inability to continue to provide services from a regional office or a metropolitan office - including Central Sydney.

The Plan addresses a range of actions that are required to manage the situation, including a recovery management

team to oversee the recovery process.

Fraud

Legal Aid NSW is committed to conducting business with honesty and transparency. Our Corruption and Fraud Prevention Plan outlines the approach adopted to prevent fraud and other corrupt behaviour.

The Plan addresses a number of controls including risk assessment, reporting systems, investigation standards and conduct and disciplinary standards.

The Plan complements other related documents such as the Code of Conduct and Protected Disclosures Policy.

LEGISLATIVE COMPLIANCE

Legislative amendments

Consequential amendments were recommended to the *Legal Aid Commission Act 1979* by the NSW Attorney General's Department to reflect the mutual recognition scheme between the states and the relevant definitional changes introduced by the *Legal Profession Act 2004*. These include the current definitions of legal practitioner, solicitor and practising certificate.

Protected disclosure

The Protected Disclosures Policy details the reporting procedures for making a protected disclosure, receiving disclosures, notifying authorities, assessment and investigation of disclosures.

It is in the public interest for employees to be able to make appropriate disclosures about any instances of corruption, fraud, maladministration or serious and substantial waste of public monies without fearing reprisals.

In 2007–2008, Legal Aid NSW did not receive any notifications under the Protected Disclosure Policy.

Freedom of information

Under the *Freedom of Information Act 1989* (the FOI Act) Legal Aid NSW is an FOI Act 'agency' and is required to publish certain information and to determine requests for, access to, or amendment of, information held by Legal Aid NSW.

In accordance with its obligations under the FOI Act, Legal Aid NSW published its Summary of Affairs for the period ending December 2007 and June 2008, and its Statement of Affairs for the period ending June 2008.

This year we completed 14 requests, granting nine in full and three in part. No documents were held in relation to two requests. For details see pages 140–141.

The number of applications received by Legal Aid NSW remains low. The administration of the FOI Act did not cause any major diversion of resources and had no impact on Legal Aid NSW activities.

During 2007–2008, Legal Aid NSW continued to make information about legal aid and other matters available to the public, where possible, free of charge. Legal Aid NSW also provided specific information without requiring a formal application and application fee.

PUBLIC ACCOUNTABILITY

Complaints handling

Receiving and responding to complaints in an open, willing and professional manner is an essential component of our mission to provide high quality services.

Complaints, suggestions and feedback provide us with an opportunity to improve our services.

This was the second year Legal Aid NSW was able to use its new system for managing complaints. The system includes guidelines that assisted staff to identify and handle complaints, as well as a register and centralised database to capture and analyse data.

Complaints received

In total there were 315 complaints received by Legal Aid NSW in 2007–2008. Over half of these (60.9%) were about eligibility for legal aid. This included complaints about the conditions of a grant, or being refused a grant of aid. Overall,

the number and nature of complaints was very similar to last year's results.

Timely resolution of complaints

The timely resolution of complaints is an essential component of best practice complaint handling. In 2007–2008 the majority of complaints (70%) were resolved within the target time of 21 days.

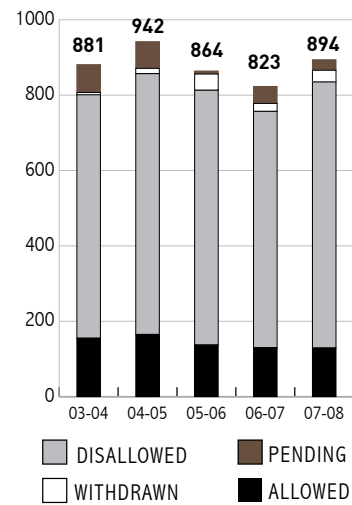
Work is now underway to further analyse which types of complaints are taking longer to resolve and targeting these as areas for improvement in 2008–2009.

Appealing decisions

Five Legal Aid Review Committees (LARC) determine appeals that relate to legal aid applications and grants of legal aid.

This year, our review committees allowed appeals in 129 of 894 submitted matters. See table right. Membership of our five committees can be found on page 142.

APPEALS AND OUTCOMES 5 YEAR TREND



Appeals allowed over five years

There has been a slight increase in the number of appeals over the last five years (from 881 in 2003–2004 to 894 in 2007–2008). There has been a decrease in the number of appeals allowed (from 155 to 129 over the same period). As a result, the percentage of appeals allowed has decreased over this time (from 17.6% in 2003–2004 to 14.4% in 2007–2008). A more noticeable decrease has been in the number of appeals withdrawn (from 74 in 2003–2004 to 28 in 2007–2008). See table above.

Service review

We commenced a review of improving the administration and processing of appeals through LARC. The review also aims to address the issues raised by audits conducted by Deloitte Touche Tohmatsu and the NSW Auditor-General in 2006 as well as additional concerns that have been raised during consultation with key stakeholders. The review will be in two stages: the first considers the appeal committee model, the administration and

TOTAL COMPLAINTS

| Nature of complaint | Year | |
|--|------------|------------|
| | 2006-07 | 2007-08 |
| Allocation of funds | 1 | 0 |
| Breach of the act | 2 | 1 |
| Eligibility | 176 | 192 |
| Fees issue/wrongful claim for fees/overcharging | 8 | 7 |
| Legal Aid NSW staff or administration issue | 27 | 30 |
| Private practitioners | 25 | 29 |
| Systems or processes | 1 | 7 |
| Quality of legal service (representation or complaint about legal officer) | 44 | 32 |
| Other | 17 | 17 |
| TOTAL | 301 | 315 |

Note: This was the second year Legal Aid NSW used its new system for managing complaints.

processing of appeals and the secretariat; the second stage will commence next year and will consider the report writing process, a decisions database and the development of a training module for committee members.

Privacy

The *Privacy and Personal Information Protection Act 1998 (PPIP Act)* and *Health Records and Information Privacy Act 2002 (HRIP Act)* set out privacy standards for New South Wales public sector agencies. The Privacy Code of Practice for Legal Aid NSW, approved by the Attorney General in June 2000, modifies the application of the principles to permit legal Aid NSW to collect information about third parties to determine eligibility for legal aid.

Legal Aid NSW adopted a privacy management plan in 2001 and revised it in 2004. The Privacy Management Plan describes our policies and practices to ensure compliance with the Information Protection Principles in the PPIP Act and the Health Privacy Principles in the HRIP Act. A review and update of the Privacy Management Plan to reflect changes to the law relating to privacy is currently being finalised.

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.

Two applications for internal review were received during 2007–2008. One has been resolved and one was carried forward to the next year.

The year ahead

We will improve our complaints-handling system to lodge and track complaints by providing a centralised point of contact for complainants, providing clients with a process of lodging complaints online and by email. We will develop a process by which common and systemic issues can be taken into account when planning services.

We will implement further recommendations from the review of appealing legal aid decisions to ensure the process is as straightforward as possible.

Legal Aid NSW will consult widely with staff and key partners before developing a comprehensive three-year Corporate Plan for 2009–2012.

We will trial survey methodology proposed by Deloitte Touche Tohmatsu that would see an annual survey of the work undertaken by Legal Aid NSW staff.

As part of our internal audit program, Legal Aid NSW will conduct an audit to evaluate the effectiveness of controls over the functions supporting the operation of the Board.

Key challenge

Our main challenge will be to maintain the sound financial position of Legal Aid NSW without reducing service delivery – particularly in relation to Commonwealth funded programs.

Financial management

FUNDING

Legal Aid NSW receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and client contributions. Combined income for 2007-2008 was \$215.013 million, and expenditure was \$204.054 million.

Legal Aid NSW undertakes work for the Commonwealth Government on the basis of a four-and-a-half year agency agreement, which ends on 31 December 2008.

FINANCIAL HIGHLIGHTS

- Operating surplus of \$3.631 million (before capital and individually significant items)
- Funding from the State Government increased by \$0.957 million (1.05%), and from the Commonwealth Government by \$21.005 million (39.4%)
- The Trustees of the Public Purpose Fund increased their funding by \$2.601 million (7.4%)

We ended the year with a surplus of \$9.902 million.

- Payments of \$91.15 million were made to private lawyers, including disbursements to other professional services, who provide legal aid services to our clients in partnership with Legal Aid NSW.
- Expenditure on community legal services increased to \$16.977 million.
- Net assets increased from \$60.437 million to \$70.339 million.

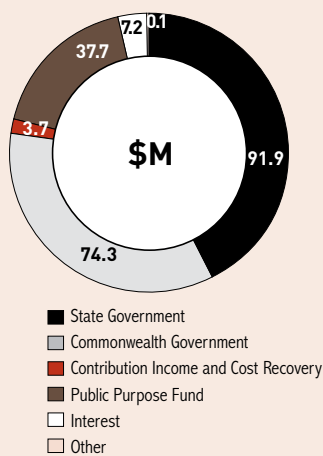
The year ahead

In 2008-2009 a new funding agreement with the Commonwealth will be negotiated. This agreement will be under the National Partnership program based upon the achievement of outputs with predetermined levels of performance.

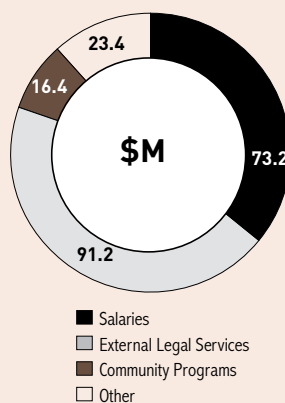
Credit card certification

In accordance with Treasurer's Direction 205.01, it is certified that credit card usage by Legal Aid NSW officers has been in accordance with the appropriate government policies, Premier's Memoranda and Treasurer's Directions, and meets best practice guidelines issued by Treasury.

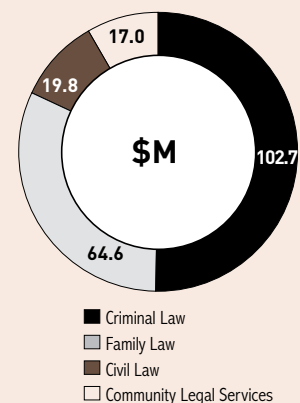
WHERE THE FUNDS COME FROM



HOW THE FUNDS ARE SPENT



FUNDS EXPENDITURE BY PROGRAM



OVERVIEW

Our financial result was a surplus of \$9.902 million compared to a budgeted surplus of \$2.411 million.

Three significant items contributed to the size of the surplus, being:

- A total of \$8.896 million prepayments was received from the Commonwealth Government for expected expenditure in 2008–2009 to cover the cost in the Commonwealth terrorism trial and one-off payment to the Commonwealth funded community legal centres; and
- A capital allocation from NSW Treasury of \$2.411 million. This results in a higher surplus in the year of acquisition, as the related depreciation expense is spread over a number of years; offset by
- A negative movement of \$5.036 million in Legal Aid NSW defined superannuation schemes, which has the effect of increasing employee related expenses.
- Excluding these three items, the surplus before capital items and individually significant items was \$3.631 million or 1.8% of 2007–2008 income (before capital and the Commonwealth prepaid income).

Income

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

In 2007–2008, the State Government provided \$91.938 million (\$90.981 million in 2006–2007), the Trustees of the Public Purpose Fund \$37.692 million (\$35.091 million in 2006–2007) and the Commonwealth Government \$74.278 million (\$53.273 million in 2006–2007).

Included in the funding from the Commonwealth Government was \$12.754 million (\$1.901 million in 2006–2007) in discretionary funding for expensive criminal cases costing above \$40,000 under Commonwealth legislation.

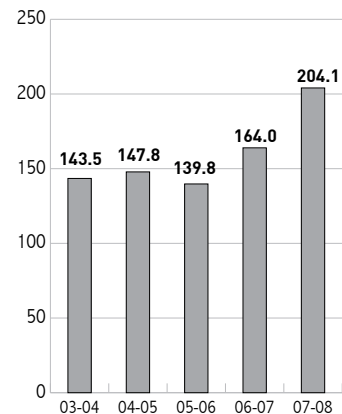
Of the funds provided by the State Government, \$2.411 million (\$3.292 million in 2006–2007) was from the State Asset Acquisition program to partially fund improvements to Legal Aid NSW office accommodation, the replacement of previously leased computers and the project to replace the Legal Aid NSW core business system. No Commonwealth funding was used for this purpose in 2007–2008.

Expenses

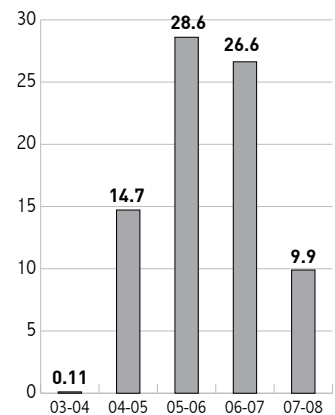
Our major expenses are employee-related expenses associated with the inhouse legal practice of \$73.147 million (\$55.085 million in 2006–2007), excluding the effect of the superannuation schemes and therefore increased superannuation in 2007–2008 and decreased superannuation in 2006–2007, the comparable figures for the 2 years are \$68.111 million in 2007–2008 and \$62.296 million or 9.3% increase. Payments to private lawyers for services provided to clients for work undertaken on behalf of Legal Aid NSW of \$91.150 million (\$73.104 million in 2006–2007) represents 44.7% of total expenses.

The two graphs show movements in our total expenses and surplus for the year over the past five years. It should be noted that 2003–2004 figures are under Australian Generally Accepted Accounting Principles while 2004–2005 to 2007–2008 figures are presented under Australian Equivalents to International Financial Reporting Standards.

TOTAL EXPENSES (\$M)



TOTAL SURPLUS (\$M)



Assets

Assets have increased by \$15.192 million or 14.9% during 2007–2008 mainly due to the increase in cash balances, caused by higher revenue and lower expenses than expected.

Liabilities

Liabilities have increased by \$5.290 million or 12.8% during 2007–2008 mainly due to an increase in creditors balance and an increase in unbilled work in progress by external private lawyers.

LEGAL AID COMMISSION OF NSW (LEGAL AID NSW) | FINANCIALS

The Legal Aid Commission (Legal Aid NSW) economic entity consists of three separate reporting entities; being the Legal Aid Commission (a statutory corporation), the Office of the Legal Aid Commission (a Government Department), and the Legal Aid Commission Temporary Staff Division (a Division of the Government Service).

The Office of the Legal Aid Commission provides personnel services to the Legal Aid Commission (statutory corporation). The Legal Aid Commission Temporary Staff Division was not utilised during 2007–2008 or 2006–2007.

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LEGAL AID COMMISSION OF NEW SOUTH WALES

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 Legal Aid Commission of NSW 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 2005*, applicable Australian Accounting Standards, other mandatory professional reporting requirements and Treasury Accounting Policy Statements.
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 2008 and transactions of 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 Legal Aid Commission of NSW 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 2007/08 the Legal Aid Commission of NSW increased its accumulated funds by \$7.529m as revenue exceeded expenditure for the year.



Phillip Taylor
Chair



Alan Kirkland
Chief Executive Officer

24 October 2008



GPO BOX 12
Sydney NSW 2001

INDEPENDENT AUDITOR'S REPORT

Legal Aid Commission of New South Wales and controlled entities

To Members of the New South Wales Parliament

I have audited the accompanying financial report of the Legal Aid Commission of New South Wales (the Commission), which comprises the balance sheet as at 30 June 2008, the operating statement, statement of recognised income and expense, cash flow statement, program statement - expenses and revenues and summary of compliance with financial directives for the year then ended, a summary of significant accounting policies and other explanatory notes for both the Commission and the consolidated entity. The consolidated entity comprises the Commission and the entities it controlled at the year's end or from time to time during the financial year.

Auditor's Opinion

In my opinion, the financial report:

- presents fairly, in all material respects, the financial position of the Commission and the consolidated entity as at 30 June 2008, and of their financial performance and their cash flows for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations)
- is in accordance with section 41B of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2005.

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

Board's Responsibility for the Financial Report

The members of the Board are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the PF&A Act. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the Commission's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the members of the Board, as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the Commission or consolidated entity,
- that they have carried out their activities effectively, efficiently and economically,
- about the effectiveness of their internal controls, or
- on the assumptions used in formulating the budget figures disclosed in the financial report.

Independence

In conducting this audit, the Audit Office of New South Wales has complied with the independence requirements of the Australian Auditing Standards and other relevant ethical requirements. The PF&A 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 of New South Wales are not compromised in their role by the possibility of losing clients or income.



Peter Carr
Director, Financial Audit Services

24 October 2008
SYDNEY



START OF AUDITED FINANCIAL STATEMENTS

Operating statement for the year ended 30 June 2008

| | Notes | Consolidated | | | Parent | |
|--|-------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | Actual 2008 \$'000 | Budget 2008 \$'000 | Actual 2007 \$'000 | Actual 2008 \$'000 | Actual 2007 \$'000 |
| Expenses excluding losses | | | | | | |
| Operating expenses | | | | | | |
| Employee related | 2(a) | 73,147 | 64,565 | 55,085 | - | - |
| Personnel services | 2(a) | - | - | - | 73,147 | 55,085 |
| Other operating expenses | 2(b) | 19,534 | 14,623 | 16,541 | 19,534 | 16,541 |
| Depreciation and amortisation | 2(c) | 3,699 | 2,978 | 3,490 | 3,699 | 3,490 |
| Grants and subsidies | 2(d) | 16,406 | 15,855 | 15,633 | 16,406 | 15,633 |
| Finance costs | 2(e) | 118 | - | 111 | 118 | 111 |
| Other expenses | 2(f) | 91,150 | 88,531 | 73,104 | 91,150 | 73,104 |
| Total Expenses excluding losses | | 204,054 | 186,552 | 163,964 | 204,054 | 163,964 |
| Less: | | | | | | |
| Revenue | | | | | | |
| Sale of goods and services | 3(a) | 57,424 | 50,464 | 50,775 | 57,424 | 50,775 |
| Investment revenue | 3(b) | 7,220 | 4,904 | 5,120 | 7,220 | 5,120 |
| Grants and contributions | 3(c) | 59,545 | 42,531 | 43,176 | 59,545 | 43,176 |
| Other revenue | 3(d) | 125 | 221 | 135 | 125 | 135 |
| Total Revenue | | 124,314 | 98,120 | 99,206 | 124,314 | 99,206 |
| (Loss) on disposal | 4 | (32) | - | (41) | (32) | (41) |
| Other gains/(losses) | 5 | (1,025) | - | 1,060 | (1,025) | 1,060 |
| Net Cost of Services | 23 | 80,797 | 88,432 | 63,739 | 80,797 | 63,739 |
| Government Contributions | | | | | | |
| Recurrent appropriation | 7(a) | 88,288 | 88,432 | 87,075 | 88,288 | 87,075 |
| Capital appropriation | 7(b) | 2,411 | 2,411 | 3,292 | 2,411 | 3,292 |
| Total Government Contributions | | 90,699 | 90,843 | 90,367 | 90,699 | 90,367 |
| SURPLUS FOR THE YEAR | | 9,902 | 2,411 | 26,628 | 9,902 | 26,628 |

The accompanying notes form part of these financial statements.

Statement of recognised income and expenses for the year ended 30 June 2008

| | Notes | Consolidated | | | Parent | |
|---|-------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | Actual 2008 \$'000 | Budget 2008 \$'000 | Actual 2007 \$'000 | Actual 2008 \$'000 | Actual 2007 \$'000 |
| TOTAL INCOME AND EXPENSE RECOGNISED DIRECTLY IN EQUITY | | - | - | - | - | - |
| Surplus for the Year | | <u>9,902</u> | <u>2,411</u> | <u>26,628</u> | <u>9,902</u> | <u>26,628</u> |
| TOTAL INCOME AND EXPENSE RECOGNISED FOR THE YEAR | 19 | <u>9,902</u> | <u>2,411</u> | <u>26,628</u> | <u>9,902</u> | <u>26,628</u> |
| EFFECT OF CHANGE IN ACCOUNTING POLICY | | | | | | |
| Total equity at the beginning of the financial year | | - | - | 40,264 | - | 40,264 |
| Adjustment for change in accounting policy | 1(x) | <u>-</u> | <u>-</u> | <u>(6,455)</u> | <u>-</u> | <u>(6,455)</u> |
| Restated total equity at the beginning of the financial year | | <u>-</u> | <u>-</u> | <u>33,809</u> | <u>-</u> | <u>33,809</u> |

The accompanying notes form part of these financial statements.

Balance sheet as at 30 June 2008

| | Notes | Consolidated | | | Parent | |
|--------------------------------------|-------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | Actual 2008 \$'000 | Budget 2008 \$'000 | Actual 2007 \$'000 | Actual 2008 \$'000 | Actual 2007 \$'000 |
| ASSETS | | | | | | |
| Current Assets | | | | | | |
| Cash and cash equivalents | 12 | 89,665 | 73,536 | 71,415 | 89,665 | 71,415 |
| Receivables | 13 | 5,892 | 6,105 | 6,105 | 5,892 | 6,105 |
| Other | 16 | 4,705 | 9,741 | 9,741 | 4,705 | 9,741 |
| Total Current Assets | | 100,262 | 89,382 | 87,261 | 100,262 | 87,261 |
| Non-Current Assets | | | | | | |
| Receivables | 13 | 2,310 | 2,600 | 2,269 | 2,310 | 2,269 |
| Plant and equipment | 14 | 9,625 | 10,469 | 9,694 | 9,625 | 9,694 |
| Intangible assets | 15 | 4,674 | 1,970 | 2,455 | 4,674 | 2,455 |
| Total Non-Current Assets | | 16,609 | 15,039 | 14,418 | 16,609 | 14,418 |
| Total Assets | | 116,871 | 104,421 | 101,679 | 116,871 | 101,679 |
| LIABILITIES | | | | | | |
| Current Liabilities | | | | | | |
| Payables | 17 | 24,983 | 20,704 | 20,704 | 24,983 | 20,704 |
| Provisions | 18 | 18,260 | 17,552 | 17,552 | 18,260 | 17,552 |
| Total Current Liabilities | | 43,243 | 38,256 | 38,256 | 43,243 | 38,256 |
| Non-Current Liabilities | | | | | | |
| Provisions | 18 | 3,289 | 3,317 | 2,986 | 3,289 | 2,986 |
| Total Non-Current Liabilities | | 3,289 | 3,317 | 2,986 | 3,289 | 2,986 |
| Total Liabilities | | 46,532 | 41,573 | 41,242 | 46,532 | 41,242 |
| Net Assets | | 70,339 | 62,848 | 60,437 | 70,339 | 60,437 |
| EQUITY | | | | | | |
| Accumulated Funds | 19 | 70,339 | 62,848 | 60,437 | 70,339 | 60,437 |
| Total Equity | | 70,339 | 62,848 | 60,437 | 70,339 | 60,437 |

The accompanying notes form part of these financial statements.

Cash flow statement for the year ended 30 June 2008

| | Notes | Consolidated | | | Parent | |
|---|-------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | Actual 2008 \$'000 | Budget 2008 \$'000 | Actual 2007 \$'000 | Actual 2008 \$'000 | Actual 2007 \$'000 |
| CASH FLOWS FROM OPERATING ACTIVITIES | | | | | | |
| Payments | | | | | | |
| Employee related | | (66,925) | (64,565) | (60,285) | - | - |
| Grants and subsidies | | (16,454) | (15,855) | (15,633) | (16,454) | (15,633) |
| Personnel services | | - | - | - | (66,925) | (60,285) |
| Other | | (107,111) | (111,562) | (100,604) | (107,111) | (100,604) |
| Total Payments | | (190,490) | (191,982) | (176,522) | (190,490) | (176,522) |
| Receipts | | | | | | |
| Sale of goods and services | | 57,684 | 50,464 | 50,337 | 57,684 | 50,337 |
| Interest received | | 6,803 | 4,904 | 5,167 | 6,803 | 5,167 |
| Other | | 59,434 | 51,160 | 53,879 | 59,434 | 53,879 |
| Total Receipts | | 123,921 | 106,528 | 109,383 | 123,921 | 109,383 |
| Cash Flows from Government | | | | | | |
| Recurrent appropriation | | 88,288 | 88,432 | 87,075 | 88,288 | 87,075 |
| Capital appropriation | | 2,411 | 2,411 | 3,292 | 2,411 | 3,292 |
| Net Cash Flows from Government | | 90,699 | 90,843 | 90,367 | 90,699 | 90,367 |
| NET CASH FLOWS FROM OPERATING ACTIVITIES | 23 | 24,130 | 5,389 | 23,228 | 24,130 | 23,228 |
| CASH FLOWS FROM INVESTING ACTIVITIES | | | | | | |
| Proceeds from sale of plant and equipment | | 1 | - | 2 | 1 | 2 |
| Purchases of plant and equipment | | (5,881) | (3,268) | (2,180) | (5,881) | (2,180) |
| Other | | - | - | (1,638) | - | (1,638) |
| NET CASH FLOWS FROM INVESTING ACTIVITIES | | (5,880) | (3,268) | (3,816) | (5,880) | (3,816) |
| NET INCREASE IN CASH | | 18,250 | 2,121 | 19,412 | 18,250 | 19,412 |
| Opening cash and cash equivalents | | 71,415 | 71,415 | 52,003 | 71,415 | 52,003 |
| CLOSING CASH AND CASH EQUIVALENTS | 12 | 89,665 | 73,536 | 71,415 | 89,665 | 71,415 |

The accompanying notes form part of these financial statements.

Program Statement – expenses and revenues for the year ended 30 June 2008

(The Program Statement applies to both Parent and Consolidated Entities)

| | Program 1* Family Law | | Program 2* Criminal Law | | Program 3* Civil Law | | Program 4* Community Legal Services | | Not Attributable | | Total | |
|---|--------------------------|-----------------|----------------------------|-----------------|-------------------------|-----------------|--|----------------|------------------|-----------------|------------------|-----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| AGENCY EXPENSES AND REVENUES | | | | | | | | | | | | |
| Expenses excluding losses | | | | | | | | | | | | |
| Operating expenses | | | | | | | | | | | | |
| Employee related/personnel services | 21,105 | 16,656 | 40,439 | 30,372 | 11,176 | 7,719 | 427 | 338 | - | - | 73,147 | 55,085 |
| Other operating expenses | 6,048 | 5,174 | 10,434 | 8,748 | 2,889 | 2,482 | 163 | 137 | - | - | 19,534 | 16,541 |
| Depreciation and amortisation | 1,310 | 1,151 | 1,914 | 1,856 | 462 | 470 | 13 | 13 | - | - | 3,699 | 3,490 |
| Grants and subsidies | 10 | - | 18 | - | 4 | - | 16,374 | 15,633 | - | - | 16,406 | 15,633 |
| Finance costs | 40 | 41 | 56 | 57 | 22 | 13 | - | - | - | - | 118 | 111 |
| Other Expenses | 36,057 | 29,723 | 49,811 | 38,616 | 5,282 | 4,765 | - | - | - | - | 91,150 | 73,104 |
| Total Expenses excluding losses | 64,570 | 52,745 | 102,672 | 79,649 | 19,835 | 15,449 | 16,977 | 16,121 | - | - | 204,054 | 163,964 |
| Revenue | | | | | | | | | | | | |
| Sale of goods and services | (44,305) | (39,394) | (7,387) | (5,723) | (5,732) | (5,658) | - | - | - | - | (57,424) | (50,775) |
| Investment revenue | (1,025) | (1,183) | (5,209) | (3,450) | (986) | (487) | - | - | - | - | (7,220) | (5,120) |
| Grants and contributions | (2,291) | (2,193) | (40,887) | (27,848) | (6,291) | (5,688) | (10,076) | (7,447) | - | - | (59,545) | (43,176) |
| Other revenue | (39) | (20) | (51) | (68) | (15) | (1) | (20) | (46) | - | - | (125) | (135) |
| Total Revenue | (47,660) | (42,790) | (53,534) | (37,089) | (13,024) | (11,834) | (10,096) | (7,493) | - | - | (124,314) | (99,206) |
| (Gain)/loss on disposal | 7 | 14 | 19 | 21 | 6 | 6 | - | - | - | - | 32 | 41 |
| Other (gains)/losses | 124 | (374) | 798 | (582) | 103 | (103) | - | (1) | - | - | 1,025 | (1,060) |
| Net Cost of Services | 17,041 | 9,595 | 49,955 | 41,999 | 6,920 | 3,518 | 6,881 | 8,627 | - | - | 80,797 | 63,739 |
| Government Contributions ** | | | | | | | | | | | | |
| | - | - | - | - | - | - | - | - | (90,699) | (90,367) | (90,699) | (90,367) |
| NET EXPENDITURE/(REVENUE) FOR THE YEAR | 17,041 | 9,595 | 49,955 | 41,999 | 6,920 | 3,518 | 6,881 | 8,627 | (90,699) | (90,367) | (9,902) | (26,628) |

* The name and purpose of each program is summarised in Note 11.

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

SUPPLEMENTARY FINANCIAL STATEMENTS

Summary of Compliance with Financial Directives

(The Summary of Compliance with Financial Directives applies to both Parent and Consolidated Entities)

| | 2008 | | | | 2007 | | | |
|--|--------------------------------------|--|------------------------------------|--|--------------------------------------|--|------------------------------------|--|
| | 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 | 88,432 | 88,288 | 2,411 | 2,411 | 87,125 | 4,356 | 3,292 | |
| Additional appropriations | - | - | - | - | - | - | - | |
| S21A PF&AA—special appropriation | - | - | - | - | - | - | - | |
| S24 PF&AA—transfers of functions between departments | - | - | - | - | - | - | - | |
| S26 PF&AA—Commonwealth specific purpose payments | - | - | - | - | - | - | - | |
| | 88,432 | 88,288 | 2,411 | 2,411 | 87,125 | 4,356 | 3,292 | |
| OTHER APPROPRIATIONS/ EXPENDITURE | | | | | | | | |
| Treasurer's Advance | - | - | - | - | - | - | - | |
| Section 22—expenditure for certain works and services | - | - | - | - | - | - | - | |
| Transfers to/from another agency (s27 of the Appropriation Act) | - | - | - | - | (50) | - | - | |
| | - | - | - | - | (50) | - | - | |
| Total Appropriations/Expenditure/ Net Claim on Consolidated Fund (includes transfer payments) | 88,432 | 88,288 | 2,411 | 2,411 | 87,075 | 4,356 | 3,292 | |
| Amount drawn down against Appropriation | | 88,432 | | 2,411 | | | 3,292 | |
| Liability to Consolidated Fund | | (144) | | - | | | - | |

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

Notes to the financial statements for the year ended 30 June 2008

1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**(a) Reporting Entity**

The Legal Aid Commission of NSW (Legal Aid NSW), as a reporting entity, comprises all entities under its control, namely, the Office of the Legal Aid Commission (OLAC) and Legal Aid Commission Temporary Staff Division. Transactions relating to the Legal Aid Commission Trust Account and the General Trust Fund are not included in the financial statements of Legal Aid NSW, as Legal Aid NSW does not control or use these funds for the achievement of its objectives.

In the process of preparing the consolidated financial report for the economic entity consisting of the controlling and controlled entities, namely, OLAC and Legal Aid Commission Temporary Staff Division, all inter-entity transactions and balances have been eliminated.

The Legal Aid Commission of NSW is a NSW statutory authority. Legal Aid NSW is a not-for-profit entity (as profit is not its principal objective) and it has no cash generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

This consolidated financial report for the year ended 30 June 2008 has been authorised for issue by the Board on 24 October 2008.

(b) Basis of Preparation

Legal Aid NSW's financial report is a general purpose financial report which has been prepared in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations);
- the requirements of the *Public Finance and Audit Act 1983 and Regulations 2005*; and
- the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer.

Plant and equipment and intangible assets are measured at fair value. Other financial report items are prepared in accordance with the historical cost convention.

Judgements, key assumptions and estimations management has made are disclosed in the relevant notes to the financial report.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) Statement of Compliance

The consolidated and parent entity financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

(d) Administered Activities

Legal Aid NSW does not administer or control any activities on behalf of the Crown Entity.

(e) Revenue Recognition

Revenue is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of revenue are discussed below.

- (i) **Parliamentary Appropriations and Contributions**
Parliamentary appropriations and contributions from other bodies (including grants and donations) are generally recognised as revenue when the agency obtains control over the assets comprising the appropriations/contributions. Control over appropriations and contributions is 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 the 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. Legal Aid NSW had a liability to the Consolidated Fund of \$144,000 as at 30 June 2008.

(ii) Rendering of Services

Revenue is recognised when the service is provided or by reference to the stage of completion (based on labour hours incurred to date).

(iii) Investment Revenue

Interest revenue is recognised using the effective interest method as set out in AASB 139 *Financial Instruments: Recognition and Measurement*.

(f) Employee Benefits, Personnel Services and Other Provisions**(i) Salaries and Wages, Annual Leave, Sick Leave and On-Costs**

Liabilities for salaries and wages (including non-monetary benefits), annual leave and paid sick leave that fall due wholly within 12 months of the reporting date are recognised and measured in respect of employees' services up to the reporting date at undiscounted amounts based on the amounts expected to be paid when the liabilities are settled.

Long-term annual leave that is not expected to be taken within 12 months is measured at present value in accordance with AASB 119 *Employee Benefits*. Market yields on government bonds of 6.71% (6.46% in 2006-2007) are used to discount long-term annual leave.

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, fringe benefits tax and workers' compensation insurance premiums which are consequential to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised.

(ii) Long Service Leave and Superannuation

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 07/04) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value at a rate of 3.94% (6.67% in 2006-2007). Where Legal Aid NSW does not have the unconditional right to defer settlement beyond twelve months, the liability is recognised as a current liability.

The Office of the Legal Aid 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 (STC). All Fund assets are invested by STC at arm's

Notes to the financial statements for the year ended 30 June 2008

length through independent fund managers. Any variation between Legal Aid NSW's gross superannuation liability and employer reserve account balance is recognised in the Balance Sheet as an unfunded liability or prepaid contribution. Actuarial gains and losses are recognised in profit or loss in the year they occur. Refer Notes 2(a), 8 & 16.

(iii) Personnel Services

To enable Legal Aid NSW to carry out its functions, all personnel service requirements are provided by OLAC which is a special purpose service entity that is a Division of the Government of New South Wales. The personnel service is charged at cost and a management agreement for the payment of these services was signed in 2006-07.

(iv) Other Provisions

Other provisions exist when: the entity has a present legal or constructive obligation as a result of a past event; it is probable that an outflow of resources will be required to settle the obligation; and a reliable estimate can be made of the amount of the obligation.

If the effect of the time value of money is material, provisions are discounted at 7.5%, which reflects the current market assessments of the time value of money and the risks specific to the liability.

(g) Insurance

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

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

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

- the amount of GST incurred by Legal Aid NSW 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.

Cash flows are included in the cash flow statement on a gross basis. However, the GST components of cash flows arising from investing and financing activities which is recoverable from, or payable to, the Australian Taxation Office are classified as operating cash flows.

(i) Acquisition of Assets

The cost method of accounting is used for the initial recording of all acquisitions of assets controlled by Legal Aid NSW. Cost is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire the asset at the time of its acquisition or construction or, where applicable, the amount attributed to that asset when initially recognised in accordance with the requirements of other Australian Accounting Standards. Fair value is the amount for which an asset could be exchanged between knowledgeable, willing parties in an arm's length transaction.

Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent i.e. deferred payment amount is effectively discounted at an asset-specific rate.

(j) Capitalisation Thresholds

Plant and equipment and intangible assets costing \$1,000 and above individually (or forming part of a network costing more than \$1,000) are capitalised.

(k) Revaluation of Plant and Equipment

Physical non-current assets are valued in accordance with the "Valuation of Physical Non-Current Assets at Fair Value" Policy and Guidelines Paper (TPP 07-1). This policy adopts fair value in accordance with AASB 116 *Property, Plant and Equipment*.

Legal Aid NSW's plant and equipment are non-specialised assets with short useful lives and are measured at depreciated historical cost, as a surrogate for fair value.

(l) Impairment of Plant and Equipment

As a not-for-profit entity with no cash generating units, Legal Aid NSW is effectively exempted from AASB 136 *Impairment of Assets* and impairment testing. This is because AASB 136 modifies the recoverable amount test to the higher of fair value less costs to sell and depreciated replacement cost. This means that, for an asset already measured at fair value, impairment can only arise if selling costs are material. Selling costs are regarded as immaterial.

(m) Depreciation of Plant and Equipment

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 Legal Aid NSW. Leasehold improvements are amortised over the unexpired period of the lease or estimated useful life whichever is the lesser. Refer Notes 2(c) and 14.

Applicable depreciation rates for each class of depreciable assets are listed below:

| | % |
|--|---------------------------|
| Computer Equipment | 20-25 |
| Computer Replacement Projects..... | 25 |
| Office Equipment | 15 |
| Fitout (includes Furniture and Fittings) | 12.5 or the term of lease |

(n) Restoration Costs

The estimated cost of dismantling and removing an asset and restoring the site is included in the cost of an asset, to the extent it is recognised as a liability.

(o) Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement of a part or component of an asset, in which case the costs are capitalised and depreciated.

(p) Leased Assets

Legal Aid NSW does not have any finance leases for its leased assets. Operating lease payments are charged to the Operating Statement in the periods in which they are incurred. Refer to Note 20(c).

(q) Intangible Assets

Legal Aid NSW recognises intangible assets only if it is probable that future economic benefits will flow to Legal Aid NSW and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost.

All research costs are expensed. Development costs are only capitalised when certain criteria are met.

The useful lives of intangible assets are assessed to be finite. As there is no active market for Legal Aid NSW's intangible assets, the assets are carried at cost less any accumulated amortisation. Legal Aid NSW's intangible assets are amortised using the straight line method over a period of 5 years. Refer Note 2(c) and 15.

Notes to the financial statements for the year ended 30 June 2008

Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount the carrying amount is reduced to recoverable amount and the reduction is recognised as an impairment loss.

(r) Receivables

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. These financial assets are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method, less an allowance for any impairment of receivables. Any changes are accounted for in the Operating Statement when impaired.

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(s) Impairment of financial assets

An allowance for impairment is established for Legal Aid NSW's receivables where there is objective evidence that Legal Aid NSW will not be able to collect all amounts due. The amount of any impairment loss is recognised in the Operating Statement. Any reversals of impairment losses are reversed through the Operating Statement where there is objective evidence.

(t) Trust Funds

Legal Aid NSW receives monies in a trustee capacity for trusts as set out in Note 24. As Legal Aid NSW performs a custodial role in respect of these monies, and because the monies cannot be used for the achievement of Legal Aid NSW's own objectives, they are not brought to account in the financial statements.

(u) Payables

These amounts represent liabilities for goods and services provided to the agency and other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method. Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(v) Accrual of Estimated Legal Expenses

Legal Aid NSW accrues the estimated net cost of work in progress by external legal practitioners who have not submitted claims to Legal Aid NSW at balance date. The estimation is based on all files finalised in the past two years which are analysed to determine an average cost of the matter type, average period for finalisation and payment profile. By comparing the payments expected to have been made on each file at balance date with the average for that matter type, a value of the work in progress for which claims have not been submitted is estimated and accrued.

(w) 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 Operating Statement and Cash Flow Statement are generally based on the amounts disclosed in the NSW Budget Papers (as adjusted above). However, in the Balance Sheet, the amounts vary from the Budget Papers, as the opening balances of the budgeted amounts are based on carried forward actual amounts i.e. per the audited financial statements (rather than carried forward estimates).

(x) Change of accounting policy

Legal Aid NSW changed the methodology for calculating the accrual of estimated legal expenses being the accrual of the estimated net cost of work in progress by external legal practitioners who have not submitted claims to Legal Aid NSW at balance date in 2007. The change was made in 2007 to provide more reliable information about the effect of these transactions.

Previously the accrual of estimated legal expenses was based on the average time taken to pay claims in each area of law. Due to changes in Legal Aid NSW's operations this method was no longer reliable.

Legal Aid NSW has revised the basis of estimation whereby for each matter type all files finalised in the past two years are analysed to determine an average cost of the matter type, average period for finalisation and payment profile. By comparing the payments expected to have been made on each file at balance date with the average for that matter type, a value of the work in progress for which claims have not been submitted is estimated and accrued.

(y) New Australian Accounting Standards issued but not effective

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2008 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 101 (Sept 2007) and AASB 2007-8 regarding presentation of financial statements (1 January 2009);
- AASB 123 (June 2007) and AASB 2007-6 regarding borrowing costs (1 January 2009);
- AASB 1004 (Dec 2007) regarding contributions (1 July 2008);
- AASB 1049 (Oct 2007) regarding the whole of government and general government sector financial reporting (1 July 2008);
- AASB 2007-9 regarding amendments arising from the review of AASs 27, 29 and 31 (1 July 2008);
- Interpretation 4 (Feb 2007) regarding determining whether an arrangement contains a lease (1 January 2008);
- Interpretation 1038 (Dec 2007) regarding contributions by owners (1 July 2008).

It is considered that the impact of these new Standards and Interpretations in future periods will have no material impact on the financial report of Legal Aid NSW.

(z) Comparatives

Comparative figures are, where appropriate, reclassified to give a meaningful comparison with the current year.

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|---|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| 2 EXPENSES | | | | |
| (a) Employee related expenses and personnel services | | | | |
| Employee related expenses | | | | |
| Salaries and wages (including recreation leave) | 56,397 | 51,136 | - | - |
| Superannuation – defined benefit plans | 6,842 | (5,463) | - | - |
| Superannuation – defined contribution plans | 3,940 | 3,539 | - | - |
| Long service leave | 1,796 | 1,983 | - | - |
| Workers' compensation insurance | 251 | 288 | - | - |
| Payroll tax and fringe benefits tax | 3,921 | 3,602 | - | - |
| Total | 73,147 | 55,085 | - | - |
| Legal Aid NSW does not employ staff that are directly involved in day-to-day servicing or maintenance. Employee related expenses of \$0.592m were capitalised to fixed assets in 2007–2008 (\$0.572m in 2006–2007). | | | | |
| Personnel services | | | | |
| Personnel services provided by the Office of the Legal Aid Commission | - | - | 73,147 | 55,085 |
| Total | - | - | 73,147 | 55,085 |
| (b) Other operating expenses | | | | |
| Other operating expenses include the following: | | | | |
| Operating lease rental expense – minimum lease payments | 6,397 | 5,656 | 6,397 | 5,656 |
| Telephone | 568 | 557 | 568 | 557 |
| Library resources | 698 | 682 | 698 | 682 |
| Consultants | 393 | 276 | 393 | 276 |
| Contractors | 1,938 | 1,357 | 1,938 | 1,357 |
| Stationery, stores and provisions | 608 | 588 | 608 | 588 |
| Computer running costs | 1,872 | 1,610 | 1,872 | 1,610 |
| Printing | 437 | 311 | 437 | 311 |
| Records management | 610 | 539 | 610 | 539 |
| Travel compensation | 974 | 751 | 974 | 751 |
| Interpreters' fees (non-case) | 271 | 302 | 271 | 302 |
| Postage | 372 | 377 | 372 | 377 |
| Cleaning | 258 | 217 | 258 | 217 |
| Practicing certificates | 219 | 203 | 219 | 203 |
| Electricity and gas | 248 | 194 | 248 | 194 |
| Insurance | 92 | 64 | 92 | 64 |
| Auditor's remuneration – audit or review of financial reports | 160 | 157 | 160 | 157 |
| Internal audit and audit of Trust Account | 150 | 149 | 150 | 149 |
| Courier and freight | 96 | 58 | 96 | 58 |
| Maintenance | 1,676 | 1,194 | 1,676 | 1,194 |
| Other | 1,497 | 1,299 | 1,497 | 1,299 |
| Total | 19,534 | 16,541 | 19,534 | 16,541 |

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|---|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| (c) Depreciation and amortisation expenses | | | | |
| Depreciation | | | | |
| Fit-out costs – office accommodation | 1,363 | 1,541 | 1,363 | 1,541 |
| Other plant and equipment | 1,552 | 1,300 | 1,552 | 1,300 |
| Total | 2,915 | 2,841 | 2,915 | 2,841 |
| Amortisation | | | | |
| Software | 784 | 649 | 784 | 649 |
| Total | 3,699 | 3,490 | 3,699 | 3,490 |

Refer Notes 1(m), 1(q), 14 & 15.

(d) Grants and subsidies

| | | | | |
|--|---------------|---------------|---------------|---------------|
| Domestic Violence Court Assistance Program | 4,187 | 4,002 | 4,187 | 4,002 |
| Community Legal Centres | 12,188 | 11,581 | 12,188 | 11,581 |
| Cooperative Legal Service Delivery Program | 31 | 50 | 31 | 50 |
| Total | 16,406 | 15,633 | 16,406 | 15,633 |

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

(e) Finance costs

| | | | | |
|----------------------------|------------|------------|------------|------------|
| Unwinding of discount rate | 118 | 111 | 118 | 111 |
| Total | 118 | 111 | 118 | 111 |

(f) Other expenses

| | | | | |
|--|---------------|---------------|---------------|---------------|
| Solicitor services provided by private practitioners | 59,523 | 46,364 | 59,523 | 46,364 |
| Barrister services provided by private practitioners | 20,439 | 17,242 | 20,439 | 17,242 |
| Disbursements | 11,188 | 9,498 | 11,188 | 9,498 |
| Total | 91,150 | 73,104 | 91,150 | 73,104 |

Includes an estimate of the net cost of work in progress by external legal practitioners who have provided services but not submitted an invoice to Legal Aid NSW at balance date.

3 REVENUE**(a) Sale of goods and services****Rendering of services**

| | | | | |
|-----------------------------------|---------------|---------------|---------------|---------------|
| Family Law | 1,458 | 1,214 | 1,458 | 1,214 |
| Criminal Law | 1,522 | 2,590 | 1,522 | 2,590 |
| Civil Law | 761 | 1,169 | 761 | 1,169 |
| Commonwealth funding ¹ | 53,683 | 45,802 | 53,683 | 45,802 |
| Total | 57,424 | 50,775 | 57,424 | 50,775 |

¹Base funding of \$53.683m (\$45.802m in 2006–2007) was received from the Commonwealth Government under the Provision of Legal Assistance Agreement. This is a four and a half year agreement between Legal Aid NSW and the Commonwealth that commenced on 1 July 2004. In the fourth year of the agreement, income exceeded expenditure by \$5.327m (income exceeded expenditure by \$0.567m in 2006–2007).

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|----------------------------------|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| (b) Investment revenue | | | | |
| Interest on outstanding accounts | 124 | 100 | 124 | 100 |
| Interest on cash assets | 7,096 | 5,020 | 7,096 | 5,020 |
| Total | 7,220 | 5,120 | 7,220 | 5,120 |

Refer to Notes 1(e)(iii) & 25(b)

(c) Grants and contributions

| | | | | |
|---|---------------|---------------|---------------|---------------|
| Law Society Public Purpose Fund ¹ | 37,692 | 35,091 | 37,692 | 35,091 |
| Commonwealth Government Community Legal Centre base grants ² | 7,467 | 5,263 | 7,467 | 5,263 |
| Other grants and contributions ³ | 14,386 | 2,822 | 14,386 | 2,822 |
| Total | 59,545 | 43,176 | 59,545 | 43,176 |

¹This fund provided a grant of \$35.009m (\$33.441m in 2006–2007) to provide legal aid services in State matters.

Other specific grants from this fund include:

| | | | | |
|------------------------------------|--------------|--------------|--------------|--------------|
| Environmental Defenders Office | 1,119 | 1,081 | 1,119 | 1,081 |
| Public Interest Advocacy Centre | 589 | 569 | 589 | 569 |
| Children's Court Assistance Scheme | 385 | – | 385 | – |
| Homeless Persons | 274 | – | 274 | – |
| Older Persons Legal Service | 316 | – | 316 | – |
| Total | 2,683 | 1,650 | 2,683 | 1,650 |

²\$7.467m in Community Legal Centre (CLC) base grants (\$5.263m in 2006–2007) received from the Commonwealth Government were earmarked for distribution 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 | 100 | 99 | 100 | 99 |
| Commonwealth Government special purposes funds for refugee matters under separate contract | 219 | 193 | 219 | 193 |
| Commonwealth Government funding for the cooperative legal service delivery model (CLSD) | 55 | 15 | 55 | 15 |
| State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service | 169 | 82 | 169 | 82 |
| State Attorney General's Department Youth Drug Court | 215 | 209 | 215 | 209 |
| State Attorney General's Department – to establish and run video conferencing facilities within Legal Aid NSW | 855 | 285 | 855 | 285 |
| NSW Police – ERISP Project | – | 38 | – | 38 |
| Commonwealth Government special funding for expensive criminal cases | 12,754 | 1,901 | 12,754 | 1,901 |
| Other | 19 | – | 19 | – |
| Total | 14,386 | 2,822 | 14,386 | 2,822 |

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| (d) Other revenue | | | | |
| Miscellaneous | 125 | 135 | 125 | 135 |
| Total | 125 | 135 | 125 | 135 |
| 4 LOSS ON DISPOSAL | | | | |
| Loss on disposal of plant and equipment | | | | |
| Proceeds from disposal | 1 | 2 | 1 | 2 |
| Less: Written down value of assets disposed | 33 | 43 | 33 | 43 |
| Total | (32) | (41) | (32) | (41) |
| 5 OTHER GAINS/(LOSSES) | | | | |
| Recovery of restoration costs provision | - | 1,240 | - | 1,240 |
| Impairment loss on receivables | (1,025) | (180) | (1,025) | (180) |
| Total | (1,025) | 1,060 | (1,025) | 1,060 |
| 6 CONDITIONS ON CONTRIBUTIONS | | | | |
| 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. Legal Aid NSW will carry forward \$11.828m of unspent funds at 30 June 2008 to be utilised in future years (\$4.033m was carried forward at 30 June 2007). | | | | |
| 7 APPROPRIATIONS | | | | |
| (a) Recurrent Appropriations | | | | |
| Total recurrent drawdowns from Treasury (per Summary of Compliance) | 88,288 | 87,075 | 88,288 | 87,075 |
| Total | 88,288 | 87,075 | 88,288 | 87,075 |
| Comprising: | | | | |
| Recurrent appropriations (per Operating Statement) | 88,288 | 87,075 | 88,288 | 87,075 |
| Total | 88,288 | 87,075 | 88,288 | 87,075 |
| (b) Capital Appropriations | | | | |
| Total capital drawdowns from Treasury (per Summary of Compliance) | 2,411 | 3,292 | 2,411 | 3,292 |
| Total | 2,411 | 3,292 | 2,411 | 3,292 |
| Comprising: | | | | |
| Capital appropriations (per Operating Statement) | 2,411 | 3,292 | 2,411 | 3,292 |
| Total | 2,411 | 3,292 | 2,411 | 3,292 |
| 8 INDIVIDUALLY SIGNIFICANT ITEMS | | | | |
| Legal Aid NSW's financial position for the State Authorities Superannuation schemes shows a net surplus of \$4.705m at 30 June 2008 (\$9.741m in 2006/07), resulting in \$5.036m being taken up as an increase to the superannuation expense for the year (\$7.211m reduction in 2006/07). | | | | |
| State Authorities Superannuation schemes (deficit)/surplus-reflected in Employee related expenses | (5,036) | 7,211 | - | - |
| Total | (5,036) | 7,211 | - | - |

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| The Commonwealth provided additional funding of \$6.7m in 2007/08 as an advance payment for the estimated future cost of 'Expensive Criminal Cases'. In accordance with 'AASB 1004 – Contributions' this advance payment was recognised as income during 2007/08. Expenses relating to this funding will be incurred in 2008/09. | | | | |
| The Commonwealth also provided funding for Community Legal Centres (\$2.2m) in late 2007/08. Expenses relating to this funding will also be incurred in 2008/09. | | | | |
| Commonwealth Funding received in 2007/08 for Expensive Criminal Cases which will be paid for in 2008/09 | 6,694 | - | 6,694 | - |
| Commonwealth Funding received in 2007/08 for Community Legal Centres which will be paid to them in 2008/09 | 2,202 | - | 2,202 | - |
| Total | 8,896 | - | 8,896 | - |

9 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.

10 TRANSFER PAYMENTS

Legal Aid NSW did not have any transfer payments in 2007–2008 (nil in 2006–2007).

11 PROGRAMS/ACTIVITIES OF LEGAL AID NSW**Program 1**

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

Objective:

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

Program 2

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

Objective:

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

Program 3

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

Objective:

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

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| 12 CURRENT ASSETS – CASH AND CASH EQUIVALENTS | | | | |
| Cash at bank and on hand | 8,124 | 567 | 8,124 | 567 |
| Short term deposits | 81,541 | 70,848 | 81,541 | 70,848 |
| Total Cash | 89,665 | 71,415 | 89,665 | 71,415 |

For the purposes of the Cash Flow Statement, cash and cash equivalents include cash on hand, cash at bank and short term deposits.

Cash and cash equivalent assets recognised in the Balance Sheet are reconciled at the end of the financial year to the Cash Flow Statement as follows:

| | | | | |
|--|---------------|---------------|---------------|---------------|
| Cash and cash equivalents (per Balance Sheet) | 89,665 | 71,415 | 89,665 | 71,415 |
| Closing cash and cash equivalents (per Cash Flow Statement) | 89,665 | 71,415 | 89,665 | 71,415 |

Refer Note 25 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.

Legal Aid NSW has a business credit card facility of \$0.015m (same in 2006/07), which is the total of the credit limit for all issued credit cards. The balance in this facility is cleared monthly.

13 CURRENT/NON-CURRENT ASSETS – RECEIVABLES**Current**

| | | | | |
|---|--------------|--------------|--------------|--------------|
| Sale of goods and services | 1,014 | 2,048 | 1,014 | 2,048 |
| Less: Allowance for impairment | 155 | 154 | 155 | 154 |
| | 859 | 1,894 | 859 | 1,894 |
| Other debtors | 470 | 592 | 470 | 592 |
| GST recoverable from Australian Taxation Office | 3,340 | 2,730 | 3,340 | 2,730 |
| Prepayments | 1,223 | 889 | 1,223 | 889 |
| Total Current | 5,892 | 6,105 | 5,892 | 6,105 |

Non-Current

| | | | | |
|--------------------------------|--------------|--------------|--------------|--------------|
| Sale of goods and services | 3,728 | 3,293 | 3,728 | 3,293 |
| Less: Allowance for impairment | 1,418 | 1,024 | 1,418 | 1,024 |
| Total Non-Current | 2,310 | 2,269 | 2,310 | 2,269 |

Movement in the allowance for impairment

| | | | | |
|-------------------------------------|--------------|--------------|--------------|--------------|
| Balance at 1 July | 1,178 | 1,528 | 1,178 | 1,528 |
| Amounts written off during the year | (671) | (514) | (671) | (514) |
| Amounts recovered during the year | 12 | 2 | 12 | 2 |
| Increase/(decrease) in allowance | 1,054 | 162 | 1,054 | 162 |
| Balance at 30 June | 1,573 | 1,178 | 1,573 | 1,178 |

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 25

Receivables from the sale of goods and services (both current and non-current) in the amount of \$2.836m (\$2.973m in 2006–2007) are secured by way of caveat.

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| 14 NON-CURRENT ASSETS—PLANT AND EQUIPMENT | | | | |
| Previous year | | | | |
| Gross Carrying Amount | 22,844 | 25,209 | 22,844 | 25,209 |
| Less: Accumulated depreciation and impairment | 13,150 | 15,019 | 13,150 | 15,019 |
| Net Carrying Amount at Fair Value | 9,694 | 10,190 | 9,694 | 10,190 |
| Current year | | | | |
| Gross Carrying Amount | 25,161 | 22,844 | 25,161 | 22,844 |
| Less: Accumulated depreciation and impairment | 15,536 | 13,150 | 15,536 | 13,150 |
| Net Carrying Amount at Fair Value | 9,625 | 9,694 | 9,625 | 9,694 |
| Reconciliation | | | | |
| A reconciliation of the carrying amounts of plant and equipment at the beginning and end of the current reporting period is set out below. | | | | |
| Net carrying amount at start of year | 9,694 | 10,190 | 9,694 | 10,190 |
| Additions | 2,878 | 2,180 | 2,878 | 2,180 |
| Disposals | (561) | (3,584) | (561) | (3,584) |
| Net variation in carrying value of restoration assets | – | 208 | – | 208 |
| Depreciation expense | (2,915) | (2,841) | (2,915) | (2,841) |
| Write back on disposal | 529 | 3,541 | 529 | 3,541 |
| Net carrying amount at end of year | 9,625 | 9,694 | 9,625 | 9,694 |
| Refer Notes 1(m) & 2(c). | | | | |
| 15 INTANGIBLE ASSETS | | | | |
| Previous year | | | | |
| Gross Carrying Amount | 5,127 | 4,448 | 5,127 | 4,448 |
| Less: Accumulated depreciation and impairment | 2,672 | 2,982 | 2,672 | 2,982 |
| Net Carrying Amount at Fair Value | 2,455 | 1,466 | 2,455 | 1,466 |
| Current year | | | | |
| Gross Carrying Amount | 8,130 | 5,127 | 8,130 | 5,127 |
| Less: Accumulated depreciation and impairment | 3,456 | 2,672 | 3,456 | 2,672 |
| Net Carrying Amount at Fair Value | 4,674 | 2,455 | 4,674 | 2,455 |

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| Reconciliation | | | | |
| A reconciliation of the carrying amounts of intangible assets at the beginning and end of the current reporting period is set out below. | | | | |
| Net carrying amount at start of year | 2,455 | 1,466 | 2,455 | 1,466 |
| Additions (from internal development) | 529 | 572 | 529 | 572 |
| Additions (acquired separately) | 2,474 | 1,066 | 2,474 | 1,066 |
| Disposal of fully depreciated intangible assets at cost | - | (959) | - | (959) |
| Amortisation (recognised in "depreciation and amortisation") | (784) | (649) | (784) | (649) |
| Write back on disposal | - | 959 | - | 959 |
| Net carrying amount at end of year | 4,674 | 2,455 | 4,674 | 2,455 |

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

16 CURRENT ASSETS—OTHER

| | | | | |
|--|--------------|--------------|--------------|--------------|
| Prepaid Superannuation | 4,705 | 9,741 | - | - |
| Receivable from the Office of the Legal Aid Commission | - | - | 4,705 | 9,741 |
| Total | 4,705 | 9,741 | 4,705 | 9,741 |

The Pooled Fund

The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:

- State Authorities Superannuation Scheme (SASS)
- State Authorities Non-contributory Superannuation Scheme (SANCS)
- State Superannuation Scheme (SSS).

These schemes are all defined benefit schemes – at least a component of the final benefit is derived from a multiple of member salary and years of membership. All the schemes are closed to new members.

The calculation of SSS, SASS and SANCS liabilities was performed by the Actuary, William Mercer Ltd and is based on the requirements of AASB 119.

| | 30 June 2008 | 30 June 2007 |
|---|--------------|--------------|
| Fund assets | | |
| The percentage invested in each asset class at the balance sheet dates: | | |
| Australian equities | 31.6% | 33.6% |
| Overseas equities | 25.4% | 26.5% |
| Australian fixed interest securities | 7.4% | 6.8% |
| Overseas fixed interest securities | 7.5% | 6.4% |
| Property | 11.0% | 10.1% |
| Cash | 6.1% | 9.8% |
| Other | 11.0% | 6.8% |

Fair value of Fund assets

All Fund assets are invested by STC at arm's length through independent fund managers.

Expected rate of return on assets

The expected return on assets assumption is determined by weighting the expected long-term return for each asset class by the target allocation of assets to each class. The returns used for each class are net of investment tax and investment fees.

Valuation method and principal actuarial assumptions at reporting date

(i) The Projected Unit Credit (PUC) valuation method was used to determine the present value of the defined benefit obligations and the related current service costs. This method sees each period of service as giving rise to an additional unit of benefit entitlement and measures each unit separately to build up the final obligation.

Notes to the financial statements for the year ended 30 June 2008

| (ii) Economic Assumptions | 30 June 2008 | 30 June 2007 |
|---|--------------|---------------------------------------|
| Discount rate | 6.55% | 6.4% pa |
| Expected rate of return on assets backing current pension liabilities | 8.30% | 7.6% |
| Expected rate of return on assets backing other liabilities | 7.30% | 7.6% |
| Expected rate of salary increases | 3.50% | 4.0% pa to 2008 3.5% pa thereafter |
| Expected rate of CPI increase | 2.50% | 2.5% pa |

(iii) Demographic Assumptions

The demographic assumptions at 30 June 2007 and 30 June 2008 are those used in the 2006 triennial actuarial valuation.

Contribution recommendations

| | SASS Multiple of member contributions | SANCS % member salary | SSS Multiple of member contributions |
|---|--|-----------------------------|---|
| Recommended contribution rates for the year ending: | | | |
| 30 June 2008 | 1.90 | 2.50 | 1.60 |
| 30 June 2007 | 1.90 | 2.50 | 1.60 |

Funding method

At the last actuarial review, the Aggregate Funding method was used to determine the employer contribution recommendations. The method adopted affects the timing of the cost to the employer. Under the Aggregate Funding method, the employer contribution rate is determined so that sufficient assets will be available to meet benefit payments to existing members, taking into account the current value of assets and future contributions.

The weighted-average economic assumptions adopted for the last actuarial review were:

| | 30 June 2008 | 30 June 2007 |
|--|--------------|--------------|
| Expected rate of return on Fund assets backing current pension liabilities | 7.70% | 7.70% |
| Expected rate of return on Fund assets backing other liabilities | 7.00% | 7.00% |
| Expected salary increase rate | 4.00% | 4.00% |
| Expected rate of CPI increase | 2.50% | 2.50% |

Nature of asset/liability

If a surplus exists in the employer's interest in the Fund, the employer may be able to take advantage of it in the form of a reduction in the required contribution rate, depending on the advice of the Fund's actuary. Where a deficiency exists, the employer is responsible for any difference between the employer's share of fund assets and the defined benefit obligation.

Refer to Notes 1(f)(ii), 2(a) & 8.

Notes to the financial statements for the year ended 30 June 2008

The position of the superannuation funds at 30 June 2008 is as follows:

| | SASS | SANCS | SSS | |
|--|----------------|----------------|----------------|----------------|
| Members Numbers | | | | |
| Contributors | 91 | 135 | 44 | |
| Deferred benefits | - | - | 12 | |
| Pensioners | - | - | 29 | |
| Pensions fully commuted | - | - | 14 | |
| | SASS | SANCS | SSS | Total |
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Superannuation Position for AASB 119 purposes | | | | |
| Accrued liability | 18,768 | 4,422 | 39,815 | 63,005 |
| Estimated reserve account balance | (20,689) | (5,299) | (41,722) | (67,710) |
| | (1,921) | (877) | (1,907) | (4,705) |
| Future Service Liability ¹ | (5,052) | (1,758) | (2,270) | (9,080) |
| Surplus in excess of recovery available from schemes | - | - | - | - |
| Net (asset)/liability to be recognised in balance sheet | (1,921) | (877) | (1,907) | (4,705) |

¹The Future Service Liability (FSL) does not have to be recognised by an employer. It is only used to determine if an asset ceiling limit should be imposed (AASB 119, para 58). Under AASB 119, any prepaid superannuation asset recognised cannot exceed the total of any unrecognised past service cost and the present value of any economic benefits that may be available in the form of refunds from the plan or reductions in future contributions to the plan. Where the "surplus in excess of recovery" is zero, no asset ceiling limit is imposed.

Reconciliation of the present value of the defined benefit obligation

| | | | | |
|--|---------------|--------------|---------------|---------------|
| <i>Present value of partly funded defined benefit obligations at beginning of the year</i> | 19,201 | 4,372 | 38,806 | 62,379 |
| Current service cost | 828 | 237 | 402 | 1,467 |
| Interest cost | 1,186 | 268 | 2,454 | 3,908 |
| Contributions by fund participants | 441 | - | 474 | 915 |
| Actuarial (gains)/losses | (763) | 53 | (891) | (1,601) |
| Benefits paid | (2,125) | (508) | (1,430) | (4,063) |
| <i>Present value of partly funded defined benefit obligations at end of the year</i> | 18,768 | 4,422 | 39,815 | 63,005 |

Reconciliation of the fair value of fund assets

| | | | | |
|---|---------------|--------------|---------------|---------------|
| <i>Fair value of Fund assets at beginning of the year</i> | 22,933 | 5,935 | 44,519 | 73,387 |
| Expected return on fund assets | 1,749 | 468 | 3,471 | 5,688 |
| Actuarial gains / (losses) | (3,166) | (840) | (6,032) | (10,038) |
| Employer contributions | 857 | 244 | 720 | 1,821 |
| Contributions by fund participants | 441 | - | 474 | 915 |
| Benefits paid | (2,125) | (508) | (1,430) | (4,063) |
| <i>Fair value of Fund assets at end of the year</i> | 20,689 | 5,299 | 41,722 | 67,710 |

Notes to the financial statements for the year ended 30 June 2008

| | SASS \$'000 | SANCS \$'000 | SSS \$'000 | Total \$'000 |
|---|----------------|-----------------|----------------|-----------------|
| Reconciliation of the assets and liabilities recognised in the balance sheet | | | | |
| Present value of partly funded defined benefit obligations at end of year | 18,768 | 4,422 | 39,815 | 63,005 |
| Fair value of fund assets at end of year | (20,689) | (5,299) | (41,722) | (67,710) |
| <i>Subtotal</i> | (1,921) | (877) | (1,907) | (4,705) |
| Unrecognised past service cost | - | - | - | - |
| Unrecognised gain/(loss) | - | - | - | - |
| Adjustment for limitation on net asset | - | - | - | - |
| <i>Net (asset)/ liability recognised in balance sheet at end of year</i> | (1,921) | (877) | (1,907) | (4,705) |
| Total defined benefits expense recognised in operating statement | | | | |
| Current service cost | 828 | 237 | 402 | 1,467 |
| Interest on obligation | 1,186 | 268 | 2,454 | 3,908 |
| Expected return on plan assets | (1,749) | (468) | (3,471) | (5,688) |
| Net actuarial losses (gains) recognised in year | 2,403 | 893 | 5,141 | 8,437 |
| Movement in adjustment for limitation on net asset | (430) | (181) | (658) | (1,269) |
| Past service cost | - | - | - | - |
| Losses (gains) on curtailments and settlements | - | - | - | - |
| Total included in "employee benefits expense" | 2,238 | 749 | 3,868 | 6,855 |
| Actual return on plan assets | (1,461) | (372) | (2,892) | (4,725) |
| Historical information | | | | |
| Present value of defined benefit obligation | 18,768 | 4,422 | 39,815 | 63,005 |
| Fair value of Fund assets | 20,689 | 5,299 | 41,722 | 67,710 |
| (Surplus)/Deficit in Fund | (1,921) | (877) | (1,907) | (4,705) |
| Experience adjustments – Fund liabilities | (763) | 53 | (891) | (1,601) |
| Experience adjustments – Fund assets | 3,166 | 840 | 6,032 | 10,038 |
| Expected contributions | | | | |
| Expected employer contributions | 838 | 275 | 758 | 1,871 |
| Funding arrangements for employer contributions | | | | |
| <i>Surplus/deficit</i> | | | | |
| The following is a summary of the 30 June 2008 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans": | | | | |
| Accrued benefits | 18,775 | 4,444 | 36,764 | 59,983 |
| Net market value of Fund assets | (20,689) | (5,299) | (41,722) | (67,710) |
| <i>Net (surplus)/deficit</i> | (1,914) | (855) | (4,958) | (7,727) |

Notes to the financial statements for the year ended 30 June 2008
The position of the superannuation funds at 30 June 2007 was as follows:
Members Numbers

| | SASS | SANCS | SSS |
|-------------------------|------|-------|-----|
| Contributors | 100 | 147 | 47 |
| Deferred benefits | - | - | 11 |
| Pensioners | - | - | 27 |
| Pensions fully commuted | - | - | 14 |

| | SASS \$'000 | SANCS \$'000 | SSS \$'000 | Total \$'000 |
|--|----------------|-----------------|----------------|-----------------|
| Superannuation Position for AASB 119 purposes | | | | |
| Accrued liability | 19,201 | 4,372 | 38,806 | 62,379 |
| Estimated reserve account balance | (22,933) | (5,935) | (44,519) | (73,387) |
| | (3,732) | (1,563) | (5,713) | (11,008) |
| Future Service Liability ¹ | (5,268) | (1,816) | (2,657) | (9,741) |
| Surplus in excess of recovery available from schemes | 429 | 180 | 658 | 1,267 |
| Net (asset)/liability to be recognised in balance sheet | (3,303) | (1,383) | (5,055) | (9,741) |

¹The Future Service Liability (FSL) does not have to be recognised by an employer. It is only used to determine if an asset ceiling limit should be imposed (AASB 119, para 58). Under AASB 119, any prepaid superannuation asset recognised cannot exceed the total of any unrecognised past service cost and the present value of any economic benefits that may be available in the form of refunds from the plan or reductions in future contributions to the plan. Where the "surplus in excess of recovery" is zero, no asset ceiling limit is imposed.

Reconciliation of the present value of the defined benefit obligation

| | | | | |
|--|---------------|--------------|---------------|---------------|
| <i>Present value of partly funded defined benefit obligations at beginning of the year</i> | 18,379 | 4,232 | 38,504 | 61,115 |
| Current service cost | 860 | 243 | 416 | 1,519 |
| Interest cost | 1,061 | 241 | 2,256 | 3,558 |
| Contributions by fund participants | 444 | - | 410 | 854 |
| Actuarial (gains)/losses | (249) | (186) | (1,739) | (2,174) |
| Benefits paid | (1,294) | (158) | (1,041) | (2,493) |
| <i>Present value of partly funded defined benefit obligations at end of the year</i> | 19,201 | 4,372 | 38,806 | 62,379 |

Reconciliation of the fair value of fund assets

| | | | | |
|---|---------------|--------------|---------------|---------------|
| <i>Fair value of Fund assets at beginning of the year</i> | 20,380 | 5,092 | 38,173 | 63,645 |
| Expected return on fund assets | 1,550 | 385 | 2,906 | 4,841 |
| Actuarial gains/(losses) | 1,029 | 346 | 3,417 | 4,792 |
| Employer contributions | 824 | 270 | 654 | 1,748 |
| Contributions by fund participants | 444 | - | 410 | 854 |
| Benefits paid | (1,294) | (158) | (1,041) | (2,493) |
| <i>Fair value of Fund assets at end of the year</i> | 22,933 | 5,935 | 44,519 | 73,387 |

Notes to the financial statements for the year ended 30 June 2008

| | SASS \$'000 | SANCS \$'000 | SSS \$'000 | Total \$'000 |
|---|----------------|-----------------|----------------|-----------------|
| Reconciliation of the assets and liabilities recognised in the balance sheet | | | | |
| Present value of partly funded defined benefit obligations at end of year | 19,201 | 4,372 | 38,806 | 62,379 |
| Fair value of fund assets at end of year | (22,933) | (5,935) | (44,519) | (73,387) |
| <i>Subtotal</i> | (3,732) | (1,563) | (5,713) | (11,008) |
| Unrecognised past service cost | - | - | - | - |
| Unrecognised gain / (loss) | - | - | - | - |
| Adjustment for limitation on net asset | 429 | 180 | 658 | 1,267 |
| <i>Net (asset)/liability recognised in balance sheet at end of year</i> | (3,303) | (1,383) | (5,055) | (9,741) |
| Total defined benefits expense recognised in operating statement | | | | |
| Current service cost | 860 | 243 | 416 | 1,519 |
| Interest on obligation | 1,061 | 241 | 2,256 | 3,558 |
| Expected return on plan assets | (1,550) | (385) | (2,906) | (4,841) |
| Net actuarial losses (gains) recognised in year | (1,278) | (532) | (5,156) | (6,966) |
| Movement in adjustment for limitation on net asset | 429 | 180 | 658 | 1,267 |
| Past service cost | - | - | - | - |
| Losses (gains) on curtailments and settlements | - | - | - | - |
| Total included in "employee benefits expense" | (478) | (253) | (4,732) | (5,463) |
| Actual return on plan assets | 2,959 | 731 | 5,493 | 9,183 |
| Historical information | | | | |
| Present value of defined benefit obligation | 19,201 | 4,372 | 38,806 | 62,379 |
| Fair value of Fund assets | (22,933) | (5,935) | (44,519) | (73,387) |
| (Surplus)/Deficit in Fund | (3,732) | (1,563) | (5,713) | (11,008) |
| Experience adjustments – Fund liabilities | (249) | (186) | (1,739) | (2,174) |
| Experience adjustments – Fund assets | (1,029) | (346) | (3,417) | (4,792) |
| Expected contributions | | | | |
| Expected employer contributions | 843 | 270 | 657 | 1,770 |
| Funding arrangements for employer contributions | | | | |
| <i>Surplus /deficit</i> | | | | |
| The following is a summary of the 30 June 2007 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans": | | | | |
| Accrued benefits | 19,035 | 4,329 | 35,030 | 58,394 |
| Net market value of Fund assets | (22,933) | (5,935) | (44,519) | (73,387) |
| <i>Net (surplus)/deficit</i> | (3,898) | (1,606) | (9,489) | (14,993) |

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| 17 CURRENT LIABILITIES—PAYABLES | | | | |
| Accrued salaries, wages and on-costs | 832 | 648 | - | - |
| Office of the Legal Aid Commission – accrued salaries, wages and on-costs | - | - | 832 | 648 |
| Creditors – Legal | 1,114 | 728 | 1,114 | 728 |
| Creditors – Administrative | 3,826 | 2,242 | 3,826 | 2,242 |
| Prepaid grants received | 43 | 533 | 43 | 533 |
| Liability to Consolidated Fund | 144 | - | 144 | - |
| Accrual of estimated legal expenses ¹ | 19,024 | 16,553 | 19,024 | 16,553 |
| Total | 24,983 | 20,704 | 24,983 | 20,704 |
| <p>¹Being accrual of the estimated net cost of work in progress by external legal practitioners who have not submitted claims to Legal Aid NSW at balance date. Refer to Notes 1(v) & 2(f).</p> | | | | |
| 18 CURRENT/NON-CURRENT LIABILITIES—PROVISIONS | | | | |
| Current | | | | |
| Employee benefits and related on-costs | | | | |
| Provision for recreation leave to be taken within 12 months | 4,866 | 4,530 | - | - |
| Provision for recreation leave to be taken after 12 months | 941 | 806 | - | - |
| Provision for long service leave to be taken within 12 months | 1,310 | 871 | - | - |
| Provision for long service leave to be taken after 12 months | 9,383 | 9,634 | - | - |
| Provision for related on-costs | 1,760 | 1,711 | - | - |
| Office of the Legal Aid Commission – provision for personnel services | - | - | 18,260 | 17,552 |
| Total Current | 18,260 | 17,552 | 18,260 | 17,552 |
| Non-Current | | | | |
| Employee benefits and related on-costs | | | | |
| Provision for long service leave | 1,383 | 1,223 | - | - |
| Provision for related on-costs | 198 | 173 | - | - |
| Office of the Legal Aid Commission – provision for personnel services | - | - | 1,581 | 1,396 |
| | 1,581 | 1,396 | 1,581 | 1,396 |
| Other Provisions | | | | |
| Restoration costs ¹ | 1,708 | 1,590 | 1,708 | 1,590 |
| | 1,708 | 1,590 | 1,708 | 1,590 |
| Total Non-Current | 3,289 | 2,986 | 3,289 | 2,986 |
| Aggregate employee benefits and related on-costs | | | | |
| Provisions – current | 18,260 | 17,552 | - | - |
| Provisions – non-current | 1,581 | 1,396 | - | - |
| Accrued salaries, wages and on-costs (Note 17) | 832 | 648 | - | - |
| | 20,673 | 19,596 | - | - |

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| ¹ Refers to the present value of estimated cost of make good obligations (in accordance with AASB 137) that will arise when existing office accommodation leases expire. The provision is adjusted annually for unwinding and changes in discount rates. Any cost variations in make good expenses at the time of implementation will be recognised in the operating statement. | | | | |
| Movements in provisions (other than employee benefits) | | | | |
| Carrying amount at start of financial year | 1,590 | 2,511 | 1,590 | 2,511 |
| Additional provisions recognised | - | 1,479 | - | 1,479 |
| Amounts used | - | (1,271) | - | (1,271) |
| Unused amounts reversed | - | (1,240) | - | (1,240) |
| Unwinding / change in the discount rate | 118 | 111 | 118 | 111 |
| Carrying amount at end of financial year | 1,708 | 1,590 | 1,708 | 1,590 |

19 CHANGES IN EQUITY**Accumulated Funds**

| | | | | |
|---|---------------|---------------|---------------|---------------|
| Balance at the beginning of the financial year | 60,437 | 33,809 | 60,437 | 33,809 |
| Surplus for the year | 9,902 | 26,628 | 9,902 | 26,628 |
| Balance at the end of the financial year | 70,339 | 60,437 | 70,339 | 60,437 |

20 COMMITMENTS FOR EXPENDITURE**(a) Capital Commitments**

Aggregate capital expenditure contracted for at balance date and not provided for:

| | | | | |
|--------------------------------|------------|--------------|------------|--------------|
| Not later than one year | 832 | 2,195 | 832 | 2,195 |
| Total (including GST) | 832 | 2,195 | 832 | 2,195 |

(b) Other Expenditure Commitments

Aggregate other expenditure contracted for at balance date and not provided for:

| | | | | |
|---|---------------|---------------|---------------|---------------|
| Not later than one year | | | | |
| Outstanding purchase orders | 399 | 45 | 399 | 45 |
| Estimated future commitment of external legal services ¹ | 25,636 | 19,163 | 25,636 | 19,163 |
| Later than one year and not later than 5 years | | | | |
| Estimated future commitment of external legal services ¹ | 7,384 | 7,591 | 7,384 | 7,591 |
| Total (including GST) | 33,419 | 26,799 | 33,419 | 26,799 |

¹Represents the estimated future commitment for external legal services provided for both in-house and assigned grants of aid. The future internal cost of cases conducted by Legal Aid NSW's in-house practice has been excluded because the amount of the liability cannot be reliably measured.

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| (c) Operating Lease Commitments | | | | |
| Future non-cancellable operating lease rentals not provided for and payable: | | | | |
| Not later than one year | 7,933 | 6,378 | 7,933 | 6,378 |
| Later than one year and not later than 5 years | 25,701 | 23,314 | 25,701 | 23,314 |
| Later than 5 years | 4,302 | 839 | 4,302 | 839 |
| Total (including GST) | 37,936 | 30,531 | 37,936 | 30,531 |

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

Refer to Note 1(p).

The total commitments in (a), (b) and (c) above include input tax credits of \$6.562m (\$5.411m in 2006/07) that are expected to be recoverable from the Australian Taxation Office.

21 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

Other than the contingent liability described in this note, Legal Aid NSW is not aware of any other contingent liability and/or contingent assets associated with its operations at 30 June 2008 (\$0.420m at 30 June 2007).

Fringe Benefits Tax

At the date of this report there is uncertainty as to the requirement for Legal Aid NSW to pay fringe benefits tax (FBT) prior to the introduction of the *Public Sector Employment Legislation Amendment Act 2006* (PSELAA). Legal Aid NSW is an endorsed public benevolent institution for the purposes of FBT and did not pay FBT in years prior to 2006/07 due to its concessional FBT treatment.

There is a possibility that FBT may become payable for the years 2001/02 to 2005/06 due to uncertainty surrounding the receipt of employee services by Legal Aid NSW. A private Taxation Ruling is being sought from the Australian Taxation Office on this matter.

The present best estimate of FBT that may become payable for those years is:

| | | | |
|-----|-----|-----|-----|
| 420 | 420 | 420 | 420 |
|-----|-----|-----|-----|

22 BUDGET REVIEW

Operating Statement

Net Cost of Services

The actual net cost of services was lower than budget by \$7.635m.

Primarily the greater than anticipated revenue received during the year was offset by increased expenditure.

Some of the major movements were:

- A reduction in the net superannuation position for defined benefit superannuation schemes held on Legal Aid NSW's behalf by the SAS Trustee Corporation which resulted in an upward non-cash adjustment of \$5.036m in employee related expenses.
- Net year-end adjustments in Long Service Leave and other Employee Entitlements.
- Increased expenditure on Other Expenses, primarily relating to greater than expected expenditure on private legal practitioners due to a higher incidence of complex matters.
- Additional initiatives resulting in increased expenditures in employee related and other operating expenses.
- Observance of AASB1004 "Contributions", which requires the Commission to recognise all Commonwealth revenue in the year it was received regardless of the year in which the funding is to be spent. This resulted in the Commission recognising revenue of \$8.966m. In addition to this, the Commission received higher than budgeted amounts of \$6.0m of one-off funding and \$6.0m of Expensive Commonwealth Criminal Cases expenditure recoup and \$0.522m miscellaneous funding supplements.
- Additional revenue from investments resulting from higher cash balances invested and better than anticipated investment returns.
- Higher than budgeted funding from the Public Purpose Fund and other increased funding.
- Other losses includes a net adjustment for an increase in Impairment to Receivables.

Notes to the financial statements for the year ended 30 June 2008

Balance Sheet

Current Assets

Current assets were \$10.880m higher than budget. This net figure is made up of an increase in cash balances of \$16.129m, which was partially offset by a reduction in Prepaid Superannuation of \$5.036m. The increase in cash balance resulted from higher than expected revenue and higher earned interest.

Non-Current Assets

Non-current assets were \$1.570m higher than budget. This was due mainly to higher than expected expenditure on intangible assets of \$2.848m as a result of the change in the timing of expenditure on the replacement of Legal Aid NSW's core business system. This was partially offset by a reduction in plant and equipment of \$0.561m.

Current Liabilities

Total Current Liabilities were \$4.987m higher than budget, primarily due to higher than budgeted provision for work-in-progress of \$2.470m and an increase in accrued operating expenses of \$1.110m, partially due to the rent of the Parramatta Justice Precinct premises.

Cash Flow Statement

Cash Flows from Operating Activities

Net Cash receipts exceeded budget by \$18.741m due primarily to higher than budgeted funding from the Expensive Commonwealth Criminal Cases Fund, recoveries of costs in legal cases, additional investment revenue and higher than budgeted funding from the Public Purpose Fund for service delivery enhancements.

Cash Flows from Investing Activities

Net cash used in investing activities was \$2.612m higher than budget due to greater than expected expenditure on intangible assets reflecting a change in the timing of expenditure on the replacement of Legal Aid NSW's core business system.

| | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| 23 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 Operating Statement: | | | | |
| Net cash from operating activities | (24,130) | (23,228) | (24,130) | (23,228) |
| Cash Flows from Government/Appropriations | 90,699 | 90,367 | 90,699 | 90,367 |
| Depreciation and amortisation | 3,699 | 3,490 | 3,699 | 3,490 |
| (Increase)/decrease in allowance for impairment | (395) | 350 | (395) | 350 |
| Non cash items—restoration assets | - | (208) | - | (208) |
| Increase/(decrease) in provisions | 1,009 | 625 | 1,009 | 625 |
| (Increase)/decrease in prepayments and other assets | 5,603 | (7,574) | 5,603 | (7,574) |
| (Decrease)/increase in creditors | 4,279 | (124) | 4,279 | (124) |
| Loss on disposal of plant and equipment | 32 | 41 | 32 | 41 |
| Net cost of services | 80,797 | 63,739 | 80,797 | 63,739 |

24 TRUST FUNDS

Legal Aid NSW administers, but does not control the funds in the following trusts:

Legal Aid Commission General Trust Fund¹

| | | | | |
|--|----------|----------|----------|----------|
| Cash balance at the beginning of the financial year | - | - | - | - |
| Add: Receipts | - | - | - | - |
| Less: Expenditure | - | - | - | - |
| Cash balance at the end of the financial year | - | - | - | - |

Notes to the financial statements for the year ended 30 June 2008

| | Consolidated | | Parent | |
|---|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| Legal Aid Commission Trust Account² | | | | |
| Cash balance at the beginning of the financial year | 697 | 426 | 697 | 426 |
| Add: Receipts | 2,021 | 2,948 | 2,021 | 2,948 |
| Less: Expenditure | 2,025 | 2,677 | 2,025 | 2,677 |
| Cash balance at the end of the financial year | 693 | 697 | 693 | 697 |

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

¹Pursuant 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. Legal Aid NSW may recover some costs upon finalisation of these matters.

²Pursuant 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. Legal Aid NSW may recover some costs upon finalisation of these matters.

25 FINANCIAL INSTRUMENTS

Legal Aid NSW's principal financial instruments are outlined below. These financial instruments arise directly from Legal Aid NSW's operations or are required to finance Legal Aid NSW's operations. Legal Aid NSW does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

Legal Aid NSW's main risks arising from financial instruments are outlined below, together with Legal Aid NSW's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout this financial report.

The Board Audit and Finance Committee has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by Legal Aid NSW, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Internal Auditors on a continuous basis.

(a) Financial Instrument Categories

| | Notes | Category | Carrying Amount 2008 \$'000 | Carrying Amount 2007 \$'000 |
|------------------------------|-------|--|-----------------------------------|-----------------------------------|
| Financial Assets | | | | |
| Class: | | | | |
| Cash & Cash equivalents | 12 | n/a | 89,655 | 71,415 |
| Receivables ¹ | 13 | Receivables (at amortised cost) | 3,639 | 4,755 |
| Financial Liabilities | | | | |
| Class: | | | | |
| Payables ² | 17 | Financial Liabilities measured at amortised cost | 22,587 | 18,353 |

¹Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

²Excludes statutory payables and unearned revenue (i.e. not within scope of AASB 7)

Notes to the financial statements for the year ended 30 June 2008

(b) Credit Risk

Credit risk arises when there is the possibility of Legal Aid NSW's debtors defaulting on their contractual obligations, resulting in a financial loss to Legal Aid NSW. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance or impairment).

Credit risk arises from the financial assets of Legal Aid NSW, including cash, receivables and authority deposits. Legal Aid NSW has secured a portion of its receivables by way of caveat. Legal Aid NSW has not granted any financial guarantees.

Credit risk associated with Legal Aid NSW's financial assets, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards. Authority deposits held with NSW TCorp are guaranteed by the State.

Cash

Cash comprises cash on hand and Legal Aid NSW 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 Note 12. The average rate of interest earned on bank accounts was 6.25% (5.64% in 2006/07).

Receivables

All receivables are recognised as amounts receivable at balance date. Collectability of trade debts is reviewed on an ongoing basis. Procedures as established in the Treasurer's Directions are followed to recover outstanding amounts, including letters of demand. Debts which are known to be uncollectible are written off. An allowance for impairment is raised when there is objective evidence that Legal Aid NSW will not be able to collect all amounts due. The credit risk is the carrying amount (net of any allowance for impairment). The carrying amount approximates 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*) – 5% (half of Local Court rate)
- Local Court judgements (Section 39 of *Local Court (Civil Claims) Act*) – 10.0%
- Family Court judgements (Section 117B of *Family Law Court Act*) – 11.75%.

Based on past experience, debtors that are not past due (2008 \$0.135m; 2007:\$0.153m) and not less than 4 months past due (2008:\$0.888m; 2007:\$1.931m) are not considered impaired and together these represent 17.04% of the total debtors.

The only financial assets that are past due or impaired are "Sales of Goods and Services" in the "Receivables" category of the balance sheet.

| | Total \$'000 | Past due but not impaired ^{1,2} \$'000 | Considered impaired ^{1,2} \$'000 |
|-----------------------------|-----------------|---|---|
| 2008 | | | |
| < 3 months overdue | 163 | 8 | 155 |
| 3 months – 6 months overdue | 345 | 319 | 26 |
| > 6 months overdue | 2,729 | 561 | 2,168 |
| 2007 | | | |
| < 3 months overdue | 224 | 117 | 107 |
| 3 months – 6 months overdue | 508 | 439 | 69 |
| > 6 months overdue | 3,585 | 1,375 | 2,210 |

¹Each column in the table reports 'gross receivables'

²The ageing analysis excludes statutory receivables, as these are not within the scope of AASB7 and excludes receivables that are not past due and not impaired. Therefore, the 'total' will not reconcile to the receivables total recognised in the balance sheet.

Notes to the financial statements for the year ended 30 June 2008

Authority Deposits

Legal Aid NSW has placed funds on deposit with TCorp, which has been rated "AAA" By Standard and Poor's. These deposits are similar to money market or bank deposits and can be placed "at call" or for a fixed term. For fixed term deposits, the interest rate payable by TCorp is negotiated initially and is fixed for the term of the deposit, while the interest rate payable on at call deposits can vary. The deposits at balance date were earning an average interest rate of 7.47% (6.32% in 2006–2007), while over the year the average interest rate was 6.85% (6.21% in 2006–2007) on a weighted average deposit of \$100.553m (\$78.144m in 2006–2007) during the year. None of these assets are past due or impaired.

(c) Liquidity risk

Liquidity risk is the risk that Legal Aid NSW will be unable to meet its payment obligations when they fall due. Legal Aid NSW's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

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. Legal Aid NSW did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of Legal Aid NSW's financial liabilities, together with the interest rate exposure.

| Maturity analysis and interest rate exposure of financial liabilities: | Consolidated | | Parent | |
|--|----------------|----------------|----------------|----------------|
| | 2008 \$'000 | 2007 \$'000 | 2008 \$'000 | 2007 \$'000 |
| Payables: | | | | |
| Weighted Average Effective Interest Rate | - | - | - | - |
| Nominal Amount ¹ | 22,587 | 18,353 | 22,587 | 18,353 |
| Fixed Interest Rate | - | - | - | - |
| Variable Interest Rate | - | - | - | - |
| Non-interest bearing | - | - | - | - |
| Maturity Dates < 1 year | 22,587 | 18,353 | 22,587 | 18,353 |
| Maturity Dates 1–5 years | - | - | - | - |
| Maturity Dates > 5 years | - | - | - | - |

¹The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities and therefore will not reconcile to the balance sheet.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Legal Aid NSW's exposure to market risk is minimal. Legal Aid NSW has no exposure to foreign currency risk and does not enter into commodity contracts.

The effect of profit and equity due to a reasonably possible change in risk variable is outlined in the information below, for interest rate risk. A reasonably possible change in risk variable has been determined after taking into account the economic environment in which Legal Aid NSW operates and the time frame for the assessment (i.e. until the end of the next annual reporting period). The sensitivity analysis is based on risk exposures in existence at the balance sheet date. The analysis is performed on the same basis for 2007. The analysis assumes that all other variables remain constant.

Interest rate risk

Legal Aid NSW does not account for any fixed rate financial instruments at fair value through profit or loss or as available-for-sale. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. Legal Aid NSW's exposure to interest rate risk is set out below.

Notes to the financial statements for the year ended 30 June 2008

| | | \$'000 | | 1% | |
|------------------------------|-----------------|--------|------------|--------|--------|
| | Carrying Amount | Profit | -1% Equity | Profit | Equity |
| 2008 | | | | | |
| Financial assets | | | | | |
| Cash & cash equivalents | 89,655 | (897) | (897) | 897 | 897 |
| Receivables | 3,639 | (36) | (36) | 36 | 36 |
| Financial liabilities | | | | | |
| Payables | 22,587 | (226) | (226) | 226 | 226 |
| 2007 | | | | | |
| Financial assets | | | | | |
| Cash & cash equivalents | 71,415 | (714) | (714) | 714 | 714 |
| Receivables | 4,755 | (48) | (48) | 48 | 48 |
| Financial liabilities | | | | | |
| Payables | 18,353 | (184) | (184) | 184 | 184 |

26 RELATED PARTY

The Legal Aid Commission of NSW received management, accounting and administrative services from its special purpose service entity, the Office of the Legal Aid Commission, for no charge. The total value of the services rendered cannot be reliably measured.

27 AFTER BALANCE DATE EVENTS

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

END OF AUDITED FINANCIAL REPORT

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OFFICE OF THE LEGAL AID COMMISSION**Statement by the Chief Executive Officer**

Pursuant to Section 41C(1B) of the *Public Finance and Audit Act 1983*, we declare on behalf of the Office of the Legal Aid 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 2005*, applicable Australian Accounting Standards, other mandatory professional reporting requirements and Treasury Accounting Policy Statements.
2. The accompanying financial statements exhibit a true and fair view of the financial position of the Office of the Legal Aid Commission as at 30 June 2008 and transactions of the year then ended.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.



Alan Kirkland
Chief Executive Officer



Ottavio Pugliano
Acting Chief Financial Officer

22 October 2008



GPO BOX 12
Sydney NSW 2001

INDEPENDENT AUDITOR'S REPORT

Office of the Legal Aid Commission

To Members of the New South Wales Parliament

I have audited the accompanying financial report of the Office of the Legal Aid Commission (the Office), which comprises the balance sheet as at 30 June 2008, the income statement, statement of recognised income and expense and cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory notes.

Auditor's Opinion

In my opinion, the financial report:

- presents fairly, in all material respects, the financial position of the Office as at 30 June 2008, and its financial performance and cash flows for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations)
- is in accordance with section 41B of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2005

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

Chief Executive Officer's Responsibility for the Financial Report

The Chief Executive Officer is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the PF&A Act. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I conducted my audit in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the Office's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Chief Executive Officer, as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

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

Independence

In conducting this audit, the Audit Office of New South Wales has complied with the independence requirements of the Australian Auditing Standards and other relevant ethical requirements. The PF&A 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 of New South Wales are not compromised in their role by the possibility of losing clients or income.



Peter Carr
Director, Financial Audit Services

24 October 2008
SYDNEY



START OF AUDITED FINANCIAL STATEMENTS

Income statement for the year ended 30 June 2008

| | Notes | Actual 2008 \$'000 | Actual 2007 \$'000 |
|---|-------|--------------------------|--------------------------|
| Revenue | | | |
| Personnel services | 3 | 73,676 | 55,657 |
| Total Revenue | | 73,676 | 55,657 |
| Less: | | | |
| Expenses | | | |
| Employee related | 2 | 73,676 | 55,657 |
| Total Expenses | | 73,676 | 55,657 |
| SURPLUS / (DEFICIT) FOR THE YEAR | 13 | - | - |

The accompanying notes form part of these financial statements.

Statement of recognised income and expense for the year ended 30 June 2008

| | Notes | Actual 2008 \$'000 | Actual 2007 \$'000 |
|---|-------|--------------------------|--------------------------|
| TOTAL INCOME AND EXPENSE RECOGNISED DIRECTLY IN EQUITY | | <u>-</u> | <u>-</u> |
| Surplus / (deficit) for the Year | | <u>-</u> | <u>-</u> |
| TOTAL INCOME AND EXPENSE RECOGNISED FOR THE YEAR | | <u>-</u> | <u>-</u> |

The accompanying notes form part of these financial statements.

Balance sheet as at 30 June 2008

| | Notes | Actual 2008 \$'000 | Actual 2007 \$'000 |
|--------------------------------------|-------|--------------------------|--------------------------|
| ASSETS | | | |
| Current Assets | | | |
| Receivables | 8 | 19,092 | 18,200 |
| Other | 9 | 4,705 | 9,741 |
| Total Current Assets | | 23,797 | 27,941 |
| Non-Current Assets | | | |
| Receivables | 8 | 1,581 | 1,396 |
| Total Non-Current Assets | | 1,581 | 1,396 |
| Total Assets | | 25,378 | 29,337 |
| LIABILITIES | | | |
| Current Liabilities | | | |
| Payables | 10 | 832 | 648 |
| Provisions | 11 | 18,260 | 17,552 |
| Other | 12 | 4,705 | 9,741 |
| Total Current Liabilities | | 23,797 | 27,941 |
| Non-Current Liabilities | | | |
| Provisions | 11 | 1,581 | 1,396 |
| Total Non-Current Liabilities | | 1,581 | 1,396 |
| Total Liabilities | | 25,378 | 29,337 |
| Net Assets | | - | - |
| EQUITY | | | |
| Accumulated Funds | | - | - |
| Total Equity | | - | - |

The accompanying notes form part of these financial statements.

Cash flow statement for the year ended 30 June 2008

| | Notes | Actual 2008 \$'000 | Actual 2007 \$'000 |
|---|-------|--------------------------|--------------------------|
| CASH FLOWS FROM OPERATING ACTIVITIES | | | |
| Payments | | | |
| Employee related | | <u>(66,925)</u> | <u>(60,285)</u> |
| Total Payments | | <u>(66,925)</u> | <u>(60,285)</u> |
| Receipts | | | |
| Legal Aid Commission – personnel services | | <u>66,925</u> | <u>60,285</u> |
| Total Receipts | | <u>66,925</u> | <u>60,285</u> |
| NET CASH FLOWS FROM OPERATING ACTIVITIES | 13 | <u>-</u> | <u>-</u> |
| NET INCREASE IN CASH | | | |
| Opening cash and cash equivalents | | <u>-</u> | <u>-</u> |
| CLOSING CASH AND CASH EQUIVALENTS | | <u>-</u> | <u>-</u> |

The accompanying notes form part of these financial statements.

Notes to the financial statements for the year ended 30 June 2008

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**(a) Reporting entity**

The Office of the Legal Aid Commission (the Office) is a Division of the Government Service, established pursuant to Part 1 of Schedule 1 to the *Public Sector Employment and Management Act 2002*. It is a not-for-profit entity as profit is not its principal objective. It is consolidated as part of the Legal Aid Commission of New South Wales Accounts. It is domiciled in Australia and its principal office is at 323 Castlereagh Street, Haymarket, Sydney.

The Office's objective is to provide personnel services to the Legal Aid Commission of New South Wales, the parent entity, at cost.

The financial report was authorised for issue by the Chief Executive Officer on 22 October 2008.

(b) Basis of preparation

This is a general purpose financial report prepared in accordance with the requirements of applicable Australian Accounting Standards (which include Australian Accounting Interpretations), the *Public Finance and Audit Act 1983*, the *Public Finance and Audit Regulation 2005*, and specific directions issued by the Treasurer.

The financial report items are prepared in accordance with the historical cost convention and the financial report does not take into account changing money values or current valuations.

The accrual basis of accounting has been adopted in the preparation of the financial report, except for cash flow information.

Judgements, key assumptions and estimates are disclosed in the relevant notes to the financial report. All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

(c) Statement of Compliance

The financial statements and notes comply with Australian Accounting Standards, which include Australian Accounting Interpretations.

The Office has adopted all of the new and revised standards and interpretations issued by the Australian Accounting Standards Board (AASB) that are relevant to its operations and effective from the current annual reporting period.

(d) Revenue

Revenue is measured at the fair value of the consideration received or receivable. Revenue from the rendering of personnel services is recognised when the service is provided and only to the extent that the associated recoverable expenses are recognised.

(e) Receivables

A receivable is recognised when it is probable that the future cash inflows associated with it will be realised and it has a value that can be measured reliably. It is derecognised when the contractual or other rights to future cash flows from it expire or are transferred.

A receivable is measured initially at fair value and subsequently at amortised cost using the effective interest method, less any allowance for any impairment of receivables. A short-term receivable with no stated

interest rate is measured at the original invoice amount where the effect of discounting is immaterial. An invoiced receivable is due for settlement within thirty days of invoicing.

If there is objective evidence at year end that a receivable may not be collectable, its carrying amount is reduced by means of an allowance for impairment of receivables and the resulting loss is recognised in the income statement.

Receivables are monitored during the year and bad debts are written off against the allowance when they are determined to be irrecoverable. Any other loss or gain arising when a receivable is derecognised is also recognised in the income statement.

(f) Payables

Payables include accrued wages, salaries, and related on costs (such as payroll tax, fringe benefits tax and workers' compensation insurance) where there is certainty as to the amount and timing of settlement.

A payable is recognised when a present obligation arises under a contract or otherwise. It is derecognised when the obligation expires or is discharged, cancelled or substituted. Payables are recognised initially at fair value and subsequently at amortised cost using the effective interest method.

Short-term payables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(g) Employee benefit provisions and expenses

Provisions are made for liabilities of uncertain amount or uncertain timing of settlement. Employee benefit provisions represent expected amounts payable in the future in respect of unused entitlements accumulated as at the reporting date.

Liabilities associated with, but that are not, employee benefits (such as payroll tax, workers' compensation insurance premiums and fringe benefits tax) are recognised separately.

Superannuation and leave liabilities are recognised as expenses and provisions when the obligations arise, which is usually through the rendering of service by employees.

Long-term annual leave (i.e. that is not expected to be taken within twelve months) is measured at present value in accordance with AASB 119 *Employee Benefits*. Market yields on government bonds of 6.71% (6.46% in 2006-2007) are used to discount long term annual leave.

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. This is based on the application of certain factors (specified in NSWTC 07/04) to employees with five or more years of service, using current rates of pay. These factors were determined based on an actuarial review to approximate present value at a rate of 3.94% (6.67% in 2006-2007). Where the Office does not have the unconditional right to defer settlement beyond twelve months, the liability is recognised as a current liability.

The Office of Legal Aid Commission's superannuation position is calculated based on economic assumptions determined by the independent actuary, William Mercer

Notes to the financial statements for the year ended 30 June 2008

Ltd, as advised by the SAS Trustee Corporation (STC). All Fund assets are invested by STC at arm's length through independent fund managers. Any variation between Legal Aid NSW's gross superannuation liability and employer reserve account balance is recognised in the Balance Sheet as an unfunded liability or prepaid contribution. Actuarial gains and losses are recognised in profit or loss in the year they occur. Refer Notes 2, 9 & 12. All other employee benefit liabilities (i.e. for benefits falling due wholly within twelve months after reporting date) are assessed by management and are measured at the undiscounted amount of the estimated future payments.

(h) New Australian Accounting Standards issued but not effective

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2008 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 101 (Sept 2007) and AASB 2007-8 regarding presentation of financial statements (1 January 2009);
- AASB 123 (June 2007) and AASB 2007-6 regarding borrowing costs (1 January 2009);
- AASB 1004 (Dec 2007) regarding contributions (1 July 2008);
- AASB 1049 (Oct 2007) regarding the whole of government and general government sector financial reporting (1 July 2008);
- AASB 2007-9 regarding amendments arising from the review of AASs 27, 29 and 31 (1 July 2008);
- Interpretation 4 (Feb 2007) regarding determining whether an arrangement contains a lease (1 January 2008);
- Interpretation 1038 (Dec 2007) regarding contributions by owners (1 July 2008).

It is considered that the impact of these new Standards and Interpretations in future periods will have no material impact on the financial report of the Office of the Legal Aid Commission.

Notes to the financial statements for the year ended 30 June 2008

| | 2008 \$'000 | 2007 \$'000 |
|---|----------------|----------------|
| 2 EXPENSES | | |
| Employee related expenses | | |
| Salaries and wages (including recreation leave) | 56,926 | 51,708 |
| Superannuation – defined benefit plans | 6,916 | (5,463) |
| Superannuation – defined contribution plans | 3,866 | 3,539 |
| Long service leave | 1,796 | 1,983 |
| Workers' compensation insurance | 251 | 288 |
| Payroll tax and fringe benefits tax | 3,921 | 3,602 |
| Total | 73,676 | 55,657 |

The Office does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,000 (\$2,000 in 2006/07) are paid on the Office's behalf by the Parent entity, the Legal Aid Commission of New South Wales

3 REVENUE**Rendering of services**

| | | |
|----------------------------|---------------|---------------|
| Personnel services revenue | 73,676 | 55,657 |
| Total | 73,676 | 55,657 |

The Office provides personnel services to the Legal Aid Commission in terms of the *Public Sector Employment and Management Act 2002* (PSEMA) and the *Public Sector Employment Legislation Amendment Act 2006* (PSELLA) at cost.

4 INDIVIDUALLY SIGNIFICANT ITEMS

The Office's financial position for the State Authorities Superannuation schemes shows a net surplus of \$4.705m at 30 June 2008 (\$9.741m in 2006/07), resulting in \$5.036m being taken up as an increase to the superannuation expense for the year (\$7.211m reduction in 2006/07).

| | | |
|---|----------------|--------------|
| State Authorities Superannuation schemes (deficit)/surplus – reflected in Employee related expenses | (5,036) | 7,211 |
| Total | (5,036) | 7,211 |

Refer Notes 2, 9, 12.

Notes to the financial statements for the year ended 30 June 2008

| | 2008 \$'000 | 2007 \$'000 |
|---|----------------|----------------|
| 5 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. | | |
| 6 TRANSFER PAYMENTS | | |
| The Office did not have any transfer payments in 2007/08 (nil in 2006/07). | | |
| 7 PROGRAMS/ACTIVITIES OF THE OFFICE | | |
| The Office provides personnel services to the Legal Aid Commission so that the Commission may deliver legal services to eligible persons under Commonwealth law and State legislation and undertake community legal education and provide advice to the socially and economically disadvantaged. | | |
| 8 CURRENT/NON-CURRENT ASSETS - RECEIVABLES | | |
| Current | | |
| Legal Aid Commission - accrued salaries, wages and on-costs ¹ | 832 | 648 |
| Legal Aid Commission - provision for employee benefits ¹ | 18,260 | 17,552 |
| Total Current | <u>19,092</u> | <u>18,200</u> |
| Non-Current | | |
| Legal Aid Commission - provision for employee benefits ¹ | 1,581 | 1,396 |
| Total Non-Current | <u>1,581</u> | <u>1,396</u> |
| ¹ All expenses incurred by the Office in providing personnel services to the Legal Aid Commission are recovered from the Commission as they are incurred at cost. Current and non-current employee benefits are measured in accordance with AASB 119 and include recreation leave, long service leave, superannuation and related on-costs. Refer Note 11. | | |
| 9 CURRENT ASSETS - OTHER | | |
| Prepaid Superannuation | 4,705 | 9,741 |
| Total | <u>4,705</u> | <u>9,741</u> |

Notes to the financial statements for the year ended 30 June 2008

The Pooled Fund

The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:

- State Authorities Superannuation Scheme (SASS)
- State Authorities Non-contributory Superannuation Scheme (SANCS)
- State Superannuation Scheme (SSS).

These schemes are all defined benefit schemes— at least a component of the final benefit is derived from a multiple of member salary and years of membership. All the schemes are closed to new members.

The calculation of SSS, SASS and SANCS liabilities was performed by the Actuary, William Mercer Ltd and is based on the requirements of AASB 119.

| | 30 June 2008 | 30 June 2007 |
|---|--------------|--------------|
| Fund assets | | |
| The percentage invested in each asset class at the balance sheet dates: | | |
| Australian equities | 31.6% | 33.6% |
| Overseas equities | 25.4% | 26.5% |
| Australian fixed interest securities | 7.4% | 6.8% |
| Overseas fixed interest securities | 7.5% | 6.4% |
| Property | 11.0% | 10.1% |
| Cash | 6.1% | 9.8% |
| Other | 11.0% | 6.8% |

Fair value of Fund assets

All Fund assets are invested by STC at arm's length through independent fund managers.

Expected rate of return on assets

The expected return on assets assumption is determined by weighting the expected long-term return for each asset class by the target allocation of assets to each class. The returns used for each class are net of investment tax and investment fees.

Valuation method and principal actuarial assumptions at reporting date

(i) The Projected Unit Credit (PUC) valuation method was used to determine the present value of the defined benefit obligations and the related current service costs. This method sees each period of service as giving rise to an additional unit of benefit entitlement and measures each unit separately to build up the final obligation.

Notes to the financial statements for the year ended 30 June 2008

| | 30 June 2008 | 30 June 2007 |
|---|--------------|---------------------------------------|
| (ii) Economic Assumptions | | |
| Discount rate | 6.55% | 6.4% pa |
| Expected rate of return on assets backing current pension liabilities | 8.30% | 7.6% |
| Expected rate of return on assets backing other liabilities | 7.30% | 7.6% |
| Expected rate of salary increases | 3.50% | 4.0% pa to 2008 3.5% pa thereafter |
| Expected rate of CPI increase | 2.50% | 2.5% pa |

(iii) Demographic Assumptions

The demographic assumptions at 30 June 2007 and 30 June 2008 are those used in the 2006 triennial actuarial valuation.

Contribution recommendations

| | SASS Multiple of member contributions | SANCS % member salary | SSS Multiple of member contributions |
|---|--|-----------------------------|---|
| Recommended contribution rates for the year ending: | | | |
| 30 June 2008 | 1.90 | 2.50 | 1.60 |
| 30 June 2007 | 1.90 | 2.50 | 1.60 |

Funding method

At the last actuarial review, the Aggregate Funding method was used to determine the employer contribution recommendations. The method adopted affects the timing of the cost to the employer

Under the Aggregate Funding method, the employer contribution rate is determined so that sufficient assets will be available to meet benefit payments to existing members, taking into account the current value of assets and future contributions.

The weighted-average economic assumptions adopted for the last actuarial review were:

| | 30 June 2008 | 30 June 2007 |
|--|--------------|--------------|
| Expected rate of return on Fund assets backing current pension liabilities | 7.70% | 7.70% |
| Expected rate of return on Fund assets backing other liabilities | 7.00% | 7.00% |
| Expected salary increase rate | 4.00% | 4.00% |
| Expected rate of CPI increase | 2.50% | 2.50% |

Notes to the financial statements for the year ended 30 June 2008

Nature of asset / liability

If a surplus exists in the employer's interest in the Fund, the employer may be able to take advantage of it in the form of a reduction in the required contribution rate, depending on the advice of the Fund's actuary. Where a deficiency exists, the employer is responsible for any difference between the employer's share of fund assets and the defined benefit obligation.

Refer to Notes 1(g), 2(a) & 4

The position of the superannuation funds at 30 June 2008 is as follows:

| | SASS | SANCS | SSS | |
|--|----------------|----------------|----------------|----------------|
| Members Numbers | | | | |
| Contributors | 91 | 135 | 44 | |
| Deferred benefits | - | - | 12 | |
| Pensioners | - | - | 29 | |
| Pensions fully commuted | - | - | 14 | |
| | SASS | SANCS | SSS | Total |
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Superannuation Position for AASB 119 purposes | | | | |
| Accrued liability | 18,768 | 4,422 | 39,815 | 63,005 |
| Estimated reserve account balance | (20,689) | (5,299) | (41,722) | (67,710) |
| | (1,921) | (877) | (1,907) | (4,705) |
| Future Service Liability ¹ | (5,052) | (1,758) | (2,270) | (9,080) |
| Surplus in excess of recovery available from schemes | - | - | - | - |
| Net (asset)/liability to be recognised in balance sheet | (1,921) | (877) | (1,907) | (4,705) |

¹The Future Service Liability (FSL) does not have to be recognised by an employer. It is only used to determine if an asset ceiling limit should be imposed (AASB 119, para 58). Under AASB 119, any prepaid superannuation asset recognised cannot exceed the total of any unrecognised past service cost and the present value of any economic benefits that may be available in the form of refunds from the plan or reductions in future contributions to the plan. Where the "surplus in excess of recovery" is zero, no asset ceiling limit is imposed.

Reconciliation of the present value of the defined benefit obligation

| | | | | |
|--|---------------|--------------|---------------|---------------|
| <i>Present value of partly funded defined benefit obligations at beginning of the year</i> | 19,201 | 4,372 | 38,806 | 62,379 |
| Current service cost | 828 | 237 | 402 | 1,467 |
| Interest cost | 1,186 | 268 | 2,454 | 3,908 |
| Contributions by fund participants | 441 | - | 474 | 915 |
| Actuarial (gains)/losses | (763) | 53 | (891) | (1,601) |
| Benefits paid | (2,125) | (508) | (1,430) | (4,063) |
| <i>Present value of partly funded defined benefit obligations at end of the year</i> | 18,768 | 4,422 | 39,815 | 63,005 |

Notes to the financial statements for the year ended 30 June 2008

| | SASS \$'000 | SANCS \$'000 | SSS \$'000 | Total \$'000 |
|---|-----------------|-----------------|-----------------|-----------------|
| Reconciliation of the fair value of fund assets | | | | |
| <i>Fair value of Fund assets at beginning of the year</i> | 22,933 | 5,935 | 44,519 | 73,387 |
| Expected return on fund assets | 1,749 | 468 | 3,471 | 5,688 |
| Actuarial gains/(losses) | (3,166) | (840) | (6,032) | (10,038) |
| Employer contributions | 857 | 244 | 720 | 1,821 |
| Contributions by fund participants | 441 | - | 474 | 915 |
| Benefits paid | (2,125) | (508) | (1,430) | (4,063) |
| <i>Fair value of Fund assets at end of the year</i> | <u>20,689</u> | <u>5,299</u> | <u>41,722</u> | <u>67,710</u> |
| Reconciliation of the assets and liabilities recognised in the balance sheet | | | | |
| Present value of partly funded defined benefit obligations at end of year | 18,768 | 4,422 | 39,815 | 63,005 |
| Fair value of fund assets at end of year | <u>(20,689)</u> | <u>(5,299)</u> | <u>(41,722)</u> | <u>(67,710)</u> |
| Subtotal | (1,921) | (877) | (1,907) | (4,705) |
| Unrecognised past service cost | - | - | - | - |
| Unrecognised gain/(loss) | - | - | - | - |
| Adjustment for limitation on net asset | - | - | - | - |
| <i>Net (asset)/liability recognised in balance sheet at end of year</i> | <u>(1,921)</u> | <u>(877)</u> | <u>(1,907)</u> | <u>(4,705)</u> |
| Total defined benefits expense recognised in operating statement | | | | |
| Current service cost | 828 | 237 | 402 | 1,467 |
| Interest on obligation | 1,186 | 268 | 2,454 | 3,908 |
| Expected return on plan assets | (1,749) | (468) | (3,471) | (5,688) |
| Net actuarial losses (gains) recognised in year | 2,403 | 893 | 5,141 | 8,437 |
| Movement in adjustment for limitation on net asset | (430) | (181) | (658) | (1,269) |
| Past service cost | - | - | - | - |
| Losses (gains) on curtailments and settlements | - | - | - | - |
| Total included in "employee benefits expense" | <u>2,238</u> | <u>749</u> | <u>3,868</u> | <u>6,855</u> |
| Actual return on plan assets | <u>(1,461)</u> | <u>(372)</u> | <u>(2,892)</u> | <u>(4,725)</u> |
| Historical information | | | | |
| Present value of defined benefit obligation | 18,768 | 4,422 | 39,815 | 63,005 |
| Fair value of Fund assets | 20,689 | 5,299 | 41,722 | 67,710 |
| (Surplus) / Deficit in Fund | (1,921) | (877) | (1,907) | (4,705) |
| Experience adjustments – Fund liabilities | (763) | 53 | (891) | (1,601) |
| Experience adjustments – Fund assets | 3,166 | 840 | 6,032 | 10,038 |
| Expected contributions | | | | |
| Expected employer contributions | 838 | 275 | 758 | 1,871 |

Notes to the financial statements for the year ended 30 June 2008

| | SASS \$'000 | SANCS \$'000 | SSS \$'000 | Total \$'000 |
|---|----------------|-----------------|----------------|-----------------|
| Funding arrangements for employer contributions | | | | |
| <i>Surplus/deficit</i> | | | | |
| The following is a summary of the 30 June 2008 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans": | | | | |
| Accrued benefits | 18,775 | 4,444 | 36,764 | 59,983 |
| Net market value of Fund assets | (20,689) | (5,299) | (41,722) | (67,710) |
| <i>Net (surplus)/deficit</i> | <u>(1,914)</u> | <u>(855)</u> | <u>(4,958)</u> | <u>(7,727)</u> |

The position of the superannuation funds at 30 June 2007 was as follows:

| | SASS | SANCS | SSS | |
|--|----------------|----------------|----------------|-----------------|
| Members Numbers | | | | |
| Contributors | 100 | 147 | 47 | |
| Deferred benefits | - | - | 11 | |
| Pensioners | - | - | 27 | |
| Pensions fully commuted | - | - | 14 | |
| | SASS | SANCS | SSS | Total |
| | \$'000 | \$'000 | \$'000 | \$'000 |
| Superannuation Position for AASB 119 purposes | | | | |
| Accrued liability | 19,201 | 4,372 | 38,806 | 62,379 |
| Estimated reserve account balance | (22,933) | (5,935) | (44,519) | (73,387) |
| | <u>(3,732)</u> | <u>(1,563)</u> | <u>(5,713)</u> | <u>(11,008)</u> |
| Future Service Liability ¹ | <u>(5,268)</u> | <u>(1,816)</u> | <u>(2,657)</u> | <u>(9,741)</u> |
| Surplus in excess of recovery available from schemes | 429 | 180 | 658 | 1,267 |
| Net (asset)/liability to be recognised in balance sheet | <u>(3,303)</u> | <u>(1,383)</u> | <u>(5,055)</u> | <u>(9,741)</u> |

¹The Future Service Liability (FSL) does not have to be recognised by an employer. It is only used to determine if an asset ceiling limit should be imposed (AASB 119, para 58). Under AASB 119, any prepaid superannuation asset recognised cannot exceed the total of any unrecognised past service cost and the present value of any economic benefits that may be available in the form of refunds from the plan or reductions in future contributions to the plan. Where the "surplus in excess of recovery" is zero, no asset ceiling limit is imposed.

Notes to the financial statements for the year ended 30 June 2008

| | SASS \$'000 | SANCS \$'000 | SSS \$'000 | Total \$'000 |
|--|----------------|-----------------|----------------|-----------------|
| Reconciliation of the present value of the defined benefit obligation | | | | |
| <i>Present value of partly funded defined benefit obligations at beginning of the year</i> | 18,379 | 4,232 | 38,504 | 61,115 |
| Current service cost | 860 | 243 | 416 | 1,519 |
| Interest cost | 1,061 | 241 | 2,256 | 3,558 |
| Contributions by fund participants | 444 | - | 410 | 854 |
| Actuarial (gains)/losses | (249) | (186) | (1,739) | (2,174) |
| Benefits paid | (1,294) | (158) | (1,041) | (2,493) |
| <i>Present value of partly funded defined benefit obligations at end of the year</i> | 19,201 | 4,372 | 38,806 | 62,379 |
| Reconciliation of the fair value of fund assets | | | | |
| <i>Fair value of Fund assets at beginning of the year</i> | 20,380 | 5,092 | 38,173 | 63,645 |
| Expected return on fund assets | 1,550 | 385 | 2,906 | 4,841 |
| Actuarial gains/(losses) | 1,029 | 346 | 3,417 | 4,792 |
| Employer contributions | 824 | 270 | 654 | 1,748 |
| Contributions by fund participants | 444 | - | 410 | 854 |
| Benefits paid | (1,294) | (158) | (1,041) | (2,493) |
| <i>Fair value of Fund assets at end of the year</i> | 22,933 | 5,935 | 44,519 | 73,387 |
| Reconciliation of the assets and liabilities recognised in the balance sheet | | | | |
| Present value of partly funded defined benefit obligations at end of year | 19,201 | 4,372 | 38,806 | 62,379 |
| Fair value of fund assets at end of year | (22,933) | (5,935) | (44,519) | (73,387) |
| <i>Subtotal</i> | (3,732) | (1,563) | (5,713) | (11,008) |
| Unrecognised past service cost | - | - | - | - |
| Unrecognised gain/(loss) | - | - | - | - |
| Adjustment for limitation on net asset | 429 | 180 | 658 | 1,267 |
| <i>Net (asset)/liability recognised in balance sheet at end of year</i> | (3,303) | (1,383) | (5,055) | (9,741) |
| Total defined benefits expense recognised in operating statement | | | | |
| Current service cost | 860 | 243 | 416 | 1,519 |
| Interest on obligation | 1,061 | 241 | 2,256 | 3,558 |
| Expected return on plan assets | (1,550) | (385) | (2,906) | (4,841) |
| Net actuarial losses (gains) recognised in year | (1,278) | (532) | (5,156) | (6,966) |
| Movement in adjustment for limitation on net asset | 429 | 180 | 658 | 1,267 |
| Past service cost | - | - | - | - |
| Losses (gains) on curtailments and settlements | - | - | - | - |
| Total included in "employee benefits expense" | (478) | (253) | (4,732) | (5,463) |
| Actual return on plan assets | 2,959 | 731 | 5,493 | 9,183 |

Notes to the financial statements for the year ended 30 June 2008

| | SASS \$'000 | SANCS \$'000 | SSS \$'000 | Total \$'000 |
|---|----------------|-----------------|---------------|-----------------|
| Historical information | | | | |
| Present value of defined benefit obligation | 19,201 | 4,372 | 38,806 | 62,379 |
| Fair value of Fund assets | (22,933) | (5,935) | (44,519) | (73,387) |
| (Surplus)/Deficit in Fund | (3,732) | (1,563) | (5,713) | (11,008) |
| Experience adjustments – Fund liabilities | (249) | (186) | (1,739) | (2,174) |
| Experience adjustments – Fund assets | (1,029) | (346) | (3,417) | (4,792) |

Expected contributions

| | | | | |
|---------------------------------|-----|-----|-----|-------|
| Expected employer contributions | 843 | 270 | 657 | 1,770 |
|---------------------------------|-----|-----|-----|-------|

Funding arrangements for employer contributions*Surplus/deficit*

The following is a summary of the 30 June 2007 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans":

| | | | | |
|---------------------------------|----------|---------|----------|----------|
| Accrued benefits | 19,035 | 4,329 | 35,030 | 58,394 |
| Net market value of Fund assets | (22,933) | (5,935) | (44,519) | (73,387) |
| <i>Net (surplus)/deficit</i> | (3,898) | (1,606) | (9,489) | (14,993) |

**2008
\$'000**

**2007
\$'000**

10 CURRENT LIABILITIES—PAYABLES**Current**

| | | |
|--------------------------------------|------------|------------|
| Accrued salaries, wages and on-costs | 832 | 648 |
| Total Current | 832 | 648 |

11 CURRENT/NON CURRENT LIABILITIES—PROVISIONS**Current****Employee benefits and related on-costs**

| | | |
|---|---------------|---------------|
| Provision for recreation leave to be taken within 12 months | 4,866 | 4,530 |
| Provision for recreation leave to be taken after 12 months | 941 | 806 |
| Provision for long service leave to be taken within 12 months | 1,310 | 871 |
| Provision for long service leave to be taken after 12 months | 9,383 | 9,634 |
| Provision for related on-costs | 1,760 | 1,711 |
| Total Current | 18,260 | 17,552 |

Notes to the financial statements for the year ended 30 June 2008

| | 2008 \$'000 | 2007 \$'000 |
|---|----------------|----------------|
| Non-Current | | |
| Employee benefits and related on-costs | | |
| Provision for long service leave | 1,383 | 1,223 |
| Provision for related on-costs | 198 | 173 |
| Total Non-Current | <u>1,581</u> | <u>1,396</u> |
| Aggregate employee benefits and related on-costs | | |
| Provisions – current | 18,260 | 17,552 |
| Provisions – non-current | 1,581 | 1,396 |
| Accrued salaries, wages and on-costs (Note 10) | 832 | 648 |
| | <u>20,673</u> | <u>19,596</u> |
| 12 CURRENT LIABILITIES – OTHER | | |
| Liability to Legal Aid Commission ¹ | 4,705 | 9,741 |
| Total | <u>4,705</u> | <u>9,741</u> |

¹Represents the balance of the Prepaid Superannuation Contributions Reserve held by the State Authorities Superannuation Trustee Corporation (STC) for SASS, SANCS and SSS in 2007/08 (SASS, SANCS and SSS in 2006/07).

The Prepaid Superannuation Contributions Reserve includes interest earned by the reserve account. As all superannuation contributions are recovered from the Legal Aid Commission, any prepaid contributions are therefore repayable to the Commission.

13 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 Operating Statement:

| | | |
|---|----------|----------|
| Net cash from operating activities | - | - |
| Increase / (decrease) in provisions | 891 | 1,546 |
| (Increase) / decrease in prepayments and other assets | 3,961 | (8,560) |
| (Decrease) / increase in creditors | (4,852) | 7,014 |
| Net cost of services | <u>-</u> | <u>-</u> |

Notes to the financial statements for the year ended 30 June 2008

14 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Office has no contingent liabilities or assets at 30 June 2008 (nil at 30 June 2007).

15 COMMITMENTS FOR EXPENDITURE

The Office did not have any expenditure commitments in 2007/08 (nil in 2006/07).

16 FINANCIAL INSTRUMENTS

The Office's principal financial instruments are outlined below. These financial instruments arise directly from the Office's operations or are required to finance the Office's operations. The Office does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

| (a) Financial Instrument Categories | Note | Category | Carrying Amount 2008 \$'000 | Carrying Amount 2007 \$'000 |
|-------------------------------------|------|---|--------------------------------------|--------------------------------------|
| Financial Assets | | | | |
| Class: | | | | |
| Receivables ¹ | 8 | Receivables (at amortised cost) | 832 | 648 |
| Financial Liabilities | | | | |
| Class | | | | |
| Payables ² | 10 | Financial Liabilities measured at amortised cost | 832 | 648 |

¹Excludes statutory receivables and prepayments (ie. not within scope of AASB 7).

²Excludes statutory payables and unearned revenue (ie. not within scope of AASB7)

Notes to the financial statements for the year ended 30 June 2008

(b) Credit Risk

Credit risk arises when there is the possibility of the Office's debtors defaulting on their contractual obligations, resulting in a financial loss to the Office. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance or impairment).

(c) Liquidity risk

Liquidity risk is the risk that the Office will be unable to meet its payment obligations when they fall due. The Office's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

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

The table below summarises the maturity profile of the Office's financial liabilities, together with the interest rate exposure.

| | 2008 \$'000 | 2007 \$'000 |
|---|----------------|----------------|
| Maturity analysis and interest rate exposure of financial liabilities: | | |
| Payables: | | |
| Weighted Average Effective Interest Rate | | |
| Nominal Amount ¹ | 832 | 648 |
| Fixed Interest Rate | - | - |
| Variable Interest Rate | - | - |
| Non-interest bearing | - | - |
| Maturity Dates < 1 year | 832 | 648 |
| Maturity Dates 1-5 years | - | - |
| Maturity Dates > 5 years | - | - |

¹The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities and therefore will not reconcile to the balance sheet.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Office's exposure to market risk is minimal. The Office has no exposure to foreign currency risk and does not enter into commodity contracts.

Notes to the financial statements for the year ended 30 June 2008

Interest rate risk

The Office does not account for any fixed rate financial instruments at fair value through profit or loss or as available-for-sale. Therefore, for these financial instruments, a change in interest rates would not affect profit or loss or equity. A reasonably possible change of +/- 1% is used, consistent with current trends in interest rates. The basis will be reviewed annually and amended where there is a structural change in the level of interest rate volatility. Legal Aid NSW's exposure to interest rate risk is set out below.

| | Carrying Amount | \$'000 | | | |
|------------------------------|-----------------|--------|--------|--------|--------|
| | | -1% | | 1% | |
| | | Profit | Equity | Profit | Equity |
| 2008 | | | | | |
| Financial assets | | | | | |
| Receivables | 832 | (8) | (8) | 8 | 8 |
| Financial liabilities | | | | | |
| Payables | 832 | (8) | (8) | 8 | 8 |
| 2007 | | | | | |
| Financial assets | | | | | |
| Receivables | 648 | (6) | (6) | 6 | 6 |
| Financial liabilities | | | | | |
| Payables | 648 | (6) | (6) | 6 | 6 |

17 RELATED PARTY

The Office of the Legal Aid Commission provided management, accounting and administrative services to its parent entity, the Legal Aid Commission of NSW, for no charge. The total value of the services rendered cannot be reliably measured.

18 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

Legal Aid NSW processed 95.69% of invoices received within 30 days during 2007/08 compared to 96.19% in 2006/07

| Period | 2008 | | 2007 | |
|----------------|---------------|---------------|---------------|---------------|
| | Invoices | % | Invoices | % |
| Within 30 days | 95,366 | 95.69 | 76,943 | 96.19 |
| Over 30 days | 4,293 | 4.31 | 3,046 | 3.81 |
| Total | 99,659 | 100.00 | 79,989 | 100.00 |

Accounts paid within 30 days by quarter is as follows:

| Quarter | Target | Achieved | Amount Paid within 30 Days | Total Amount Paid |
|-----------|--------|----------|----------------------------|-------------------|
| | % | % | \$'000 | \$'000 |
| September | 100.0 | 96.02 | 26,541 | 27,177 |
| December | 100.0 | 95.85 | 28,605 | 29,599 |
| March | 100.0 | 95.97 | 27,475 | 28,658 |
| June | 100.0 | 95.02 | 36,740 | 38,275 |

(b) Ageing of creditors

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

| Quarter | Current (ie within due date) | Less than 30 days overdue | Between 30 and 60 days overdue | Between 60 and 90 days overdue | More than 90 days overdue |
|-----------|---------------------------------|------------------------------|-----------------------------------|-----------------------------------|------------------------------|
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| September | 146 | 180 | 4 | 1 | 8 |
| December | 54 | 5,232 | 9 | 2 | - |
| March | 557 | 309 | - | - | 7 |
| June | 400 | 36 | 58 | 1 | 84 |

Legal Creditors (Private Practitioners) aged analysis at the end of each quarter is as follows:

| Quarter | Current (ie within due date) | Less than 30 days overdue | Between 30 and 60 days overdue | Between 60 and 90 days overdue | More than 90 days overdue |
|-----------|---------------------------------|------------------------------|-----------------------------------|-----------------------------------|------------------------------|
| | \$'000 | \$'000 | \$'000 | \$'000 | \$'000 |
| September | 175 | 644 | 20 | 8 | 5 |
| December | 5,229 | 273 | 62 | 3 | 14 |
| March | 309 | 1,351 | 40 | 0 | 14 |
| June | 40 | 822 | 42 | 4 | 206 |

Other information

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 Legal Aid NSW.
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 Legal Aid NSW 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.

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 Legal Aid NSW 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 Legal Aid NSW solicitors.

Funding

A four and a half year agreement between Legal Aid NSW 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 | 45,802 |
| 2007/08 | 50,161 |
| 2008/09 | 48,150 |
| Total | 233,251 |

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 Legal Aid NSW's 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

| | 2008 \$'000 | 2007 \$'000 |
|--------------------------|----------------|----------------|
| Deloitte Touche Tohmatsu | 124 | 147 |
| Audit Office of NSW | 148 | 157 |
| Thomas Davis & Co | 2 | 2 |
| IAB Services | 36 | - |
| Total | 310 | 306 |

Refer to Note 2(b) in the Financial Report.

Consultants

Engagements equal to or more than \$30,000

| Consultants | \$ | Purpose |
|------------------------------------|-------------------|--------------------------------|
| C & K Economic Consultants Pty Ltd | 29,390.00 | Facilities Plan |
| Chris Cunneen | 40,353.00 | Aboriginal Legal Needs |
| Doll Martin Associates | 52,360.00 | Work Practices Review |
| IAB Services | 49,263.00 | Learning, Development Review |
| Information Builders Pty Ltd | 77,250.00 | Data Warehouse Design/Analysis |
| Law & Justice Foundation of NSW | 55,433.00 | Legal Needs Survey |
| Total | 304,049.00 | |

Engagements Less than \$30,000

| | | |
|--------------------------|---|-------------------|
| Total Number | 7 | 88,810.00 |
| Total Consultants | | 392,859.00 |

Refer to Note 2(b) in the Financial Report

Charitable and deductible gift recipient institution

Legal Aid NSW is a Charitable Institution and a Deductible Gift Recipient institution under the *Income Tax Assessment Act 1997*. Gifts to Legal Aid NSW 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 Legal Aid NSW.

Risk management

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

The 2007/08 deposit premium for workers compensation insurance increased by 13.5% to \$368,980 (2006/07 \$325,090). Hindsight adjustment refunds in respect of the 2001/02 (\$2,826) and the 2003/04 financial years (\$117,610) were received in 2007/08.

The motor vehicle insurance deposit premium rose by 25.6% to \$30,060 in 2007/08 due to increased claim costs recorded in 2006/07. A hindsight premium adjustment of \$3,324 was required to be paid in respect of the 2005/06 fund year.

Motor vehicle claims

The number of motor vehicle claims in 2007/08 was 13 (7 in 2006/07) which incurred a cost of \$19,670 (\$18,000 in 2006/07). The average number of vehicles in the Legal Aid fleet increased by 2.3 to 47.3 in 2007/08 which results in an average claim cost per vehicle of \$416 compared to \$400 in 2006/07.

Workers compensation claims

The number of accepted claims, (includes claims accepted under provisional liability), increased from 16 in 2006/07 to 21 in 2007/08.

The cost incurred to 30 June 2008 of new claims reported in 2007/08 was \$111,126 compared to \$66,719 in 2006/07 which is an increase of \$44,407 or 66%.

Of the accepted claims in this reporting period, there were 13 fall/slip and 5 body stress claims amounting to \$62,662 in 2007/08 or 56.38% of the total cost of claims.

The majority of the remaining incurred cost comprised 1 psychological stress claim which amounted to \$46,184 or 41.56% of the total cost of claims for 2007/08.

The average number of full time equivalent staff for 2007/08 was 784.77 which is an increase of 42.46 from 742.31 in 2006/07. This equates to an average claim cost of \$141.60 per staff member compared to \$89.88 per staff member in 2006/07.

The increase in claims and associated costs during the year does not exhibit any identifiable pattern. Legal Aid NSW will continue to pursue the established risk management approach to health and safety with a view to identifying issues of concern before they can result in injuries/incidents and claims.

Investment performance

Legal Aid NSW 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 2007/08 Legal Aid NSW invested its available funds in the NSW Treasury Corporation's 11am Call Account. The average yield for this account was 6.77% (6.09% in 2006/07). Since November 2000, Legal Aid NSW has also invested funds in Fixed Term Deposits with the NSW Treasury Corporation. The average yield from this deposit was 7.01% (6.2% in 2006/07). Legal Aid NSW 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 6.25% (5.64% in 2006/07). Income of \$7.096m was derived from the investment of Legal Aid NSW funds during 2007/08 compared to \$5.020m in 2006/07. The variation is due to higher average cash balances held during the year and increased interest rates.

APPENDICES

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CEO's performance statement



NEW SOUTH WALES

ATTORNEY GENERAL

PERFORMANCE STATEMENT

CHIEF EXECUTIVE OFFICER, LEGAL AID COMMISSION OF NSW (Legal Aid NSW)

NAME: Steve O'Connor
POSITION: Acting Chief Executive Officer, Legal Aid NSW (SES 6)
PERIOD: 1 July 2007 to 30 June 2008

Under the direction of the Acting Chief Executive Officer, Steve O'Connor, from 1 January 2008 to 30 June 2008, (and the previous Chief Executive Officer, Mr Bill Grant, from 1 July 2007 to 31 December 2007), Legal Aid NSW, which is the largest legal aid organisation in Australia, has continued to improve the range and accessibility of its services to socially and economically disadvantaged members of our community.

Legal Aid NSW, in partnership with the private profession, achieved an 8.5% increase in the number of legal services provided to clients over the previous year. Mr O'Connor has maintained Legal Aid NSW's strong focus on its priority client groups - older people, homeless people, Aboriginal people and people with a mental illness - and continued the development of innovative approaches to address the needs of these groups.

The funding of three care and protection positions in the Aboriginal Legal Service (NSW/ACT) Ltd (the ALS) was complemented during the year by the funding of another position in that organisation in partnership with the ACT Legal Aid Commission. In addition to strengthening its partnership with the ALS, Legal Aid NSW has built new partnerships with several other peak Aboriginal organisations.

Mr O'Connor has also ably overseen the following important initiatives:

- Expansion of the network of rural and regional outreach clinics providing face to face legal services for homeless people, with an emphasis on locations that homeless people frequent.
- Development of the Aboriginal Justice Strategy, to guide service delivery across all program areas and the commissioning of research into the civil and family law needs of Aboriginal people.
- Launch of the Judge Bob Bellear Legal Careers Pathways Program to ensure culturally appropriate services are provided to Aboriginal clients.
- An increase in Community Legal Education through a wide range of initiatives including, outreach services, community events, production of brochures, DVDs and CD-ROMs, including the development of a new DVD designed to better inform young people about the law relating to crimes committed by groups
- Implementation of the Regional Solicitor Program in which participating law firms were selected in 10 country locations and provided with a salary subsidy for employing an additional lawyer to undertake an agreed amount of legal aid work.
- Introduction of the Older Persons Legal and Education Program in partnership with The Aged-care Rights Service (TARS).
- Expansion of the Insurance Law Service which provides free legal advice to the public about issues relating to insurance. The service is a partnership between Legal Aid NSW and the Consumer Credit Legal Centre.

Mr O'Connor has also overseen the implementation to date of new technology which (when fully implemented) will improve Legal Aid NSW's efficiency and enhance its case management, grants management and document management systems.

A handwritten signature in black ink, appearing to read 'John Hatzistergos'. Below the signature, the name 'JOHN HATZISTERGOS' is printed in a bold, sans-serif font.

JOHN HATZISTERGOS

Community Legal Centres (CLCs) Funding Program

We provided funding for 32 community legal centres across NSW.

| Community Legal Centre | Commonwealth Funding (\$) | State Funding (\$) | Public Purpose Funding (\$) | Total Funding (\$) |
|------------------------------------|---------------------------|--------------------|-----------------------------|--------------------|
| Central Coast LC | 185,292 | 15,560 | 51,250 | 252,102 |
| Combined CLC Group | — | 247,356 | | 247,356 |
| Consumer Credit LC | 130,796 | 193,513 | | 324,309 |
| Court Support Scheme | 31,181 | 5,520 | 5,252 | 41,953 |
| Domestic Violence Advocacy Service | — | 387,336 | | 387,336 |
| Elizabeth Evatt CLS | 94,972 | 157,604 | | 252,576 |
| Environmental Defender's Office | 88,680 | 169,376 | 1,119,229 | 1,377,285 |
| Far West CLC | 235,228 | — | | 235,228 |
| Hawkesbury/Nepean CLC | 130,936 | 113,168 | | 244,104 |
| HIV/AIDS LC | 63,952 | 75,808 | | 139,760 |
| Hunter CLC | 197,796 | 226,016 | 18,450 | 442,262 |
| Illawarra LC | 380,672 | 178,180 | 51,250 | 610,102 |
| Immigration Advice & Rights Centre | 92,224 | 214,748 | | 306,972 |
| Inner City LC | 94,972 | 143,151 | | 238,123 |
| Kingsford LC | 160,044 | 115,120 | | 275,164 |
| Macarthur LC | 207,904 | 175,672 | 51,250 | 434,826 |
| Macquarie LC | 146,608 | 244,828 | 202,500 | 593,936 |
| Marrickville LC | 144,952 | 247,580 | | 392,532 |
| Mt Druitt & Area CLC | 185,048 | 15,536 | | 200,584 |
| NSW Disability Discrimination LC | 189,748 | 35,074 | | 224,822 |
| North & North West CLS | 186,052 | 15,616 | | 201,668 |
| Northern Rivers CLC | 258,640 | 21,128 | | 279,768 |
| Public Interest Advocacy Centre | 107,836 | 403,042 | 589,020 | 1,099,898 |
| Redfern Legal Centre | 147,564 | 222,380 | | 369,944 |
| Shoalcoast CLC | 236,556 | 108,012 | | 344,568 |
| South West Sydney LC | 185,772 | 209,872 | | 395,644 |
| Tenants' Union of NSW | 70,888 | 108,396 | | 179,284 |
| The Aged-care Rights Service | 31,892 | 2,208 | 100,000 | 134,100 |
| Welfare Rights Centre | 214,640 | 109,412 | | 324,052 |
| Western NSW LC | 262,036 | 21,380 | | 283,416 |
| Warringa Baiya AWLC | — | 314,076 | | 314,076 |
| Women's Legal Services (NSW) | 802,024 | 286,964 | | 1,088,988 |
| TOTAL | 5,264,905 | 4,783,632 | 2,188,201 | 12,236,738 |

Women's Domestic Violence Court Advocacy Program (WDVCAP) funding

As part of the program, we provided funding to 33 Women's Domestic Violence Court Advocacy Services (WDVCASs).

| WDVCAS | Service provider | Total payments (\$) |
|--------------------------|--|---------------------|
| Albury | Albury/Wodonga Women's Centre | 66,348 |
| Armidale | The Women's Shelter Armidale | 78,236 |
| Bankstown | Creating Links Cooperative | 105,540 |
| Bega | Southern Women's Group | 64,320 |
| Blacktown | Pam's Place | 125,148 |
| Blue Mountains/Lithgow | Elizabeth Evatt CLC | 96,644 |
| Bourke/ Brewarrina | Dubbo Women's Housing Program | 99,432 |
| Broken Hill | Far West Family Services (to Jan 2008) Far West CLC (from Feb 2008) | 94,844 |
| Central Coast | Central Coast DVCAS | 152,204 |
| Coffs Harbour | Warrina Women's & Children's Refuge | 66,348 |
| Dubbo | Dubbo Women's Housing Program | 142,712 |
| Hastings | UnitingCare Burnside | 66,348 |
| Hawkesbury | Hawkesbury CLC | 75,660 |
| Hornsby | Centacare | 89,084 |
| Hunter | Hunter Women's Domestic Violence Court Services | 184,048 |
| Illawarra | Wollongong Women's Information Centre | 128,644 |
| Inner West | Burwood Community Welfare Services | 148,104 |
| Kempsey | Kempsey Family Support Service | 84,252 |
| Liverpool/Fairfield | South West Sydney CLC | 177,096 |
| Macarthur | Macarthur CLC | 156,580 |
| Maitland | Carrie's Place Women's & Children's Services | 81,804 |
| Manly-Warringah | Manly-Warringah Women's Resource Centre | 121,948 |
| Moree | Moree WDVCAS | 112,060 |
| Newtown | Marrickville Legal Centre | 93,796 |
| Northern Rivers | Northern Rivers CLC | 289,448 |
| Nowra | YWCA NSW | 92,864 |
| Parramatta/ Ryde | Macquarie Legal Centre | 149,948 |
| Penrith/ Mt Druitt | Penrith Women's Health Centre | 174,732 |
| Redfern | Redfern Legal Centre | 125,148 |
| Southern Sydney | Sutherland Shire Family Services | 150,372 |
| Taree | Manning Valley Neighbourhood Service | 115,580 |
| Wagga Wagga | Sisters' Housing Enterprise | 84,252 |
| Waverley | The Junction Neighbourhood Centre | 118,260 |
| Training & Resource Unit | Women's Legal Services NSW | 268,972 |
| Misc. Payments | | 5,413 |
| TOTAL | | 4,186,189 |

Client publications and resources

We produce over 40 publications. Some of these are available in almost 30 other languages. This year, we distributed 382,405 free publications to members of the community and other agencies.

General brochures

Client Service Charter

Do you have a legal problem?

(Also in Arabic, Cambodian, Chinese, Croatian, Greek, Italian, Laotian, Macedonian, Serbian, Spanish, Turkish, Vietnamese)

Do you have a legal problem?
Large print version

Questions to ask your lawyer
Guidelines - how to make a complaint to Legal Aid NSW

Family law

Family Law-frequently asked questions

(Also in Arabic, Chinese, Spanish, Vietnamese)

Help with child support

(Also in Arabic, Chinese, Vietnamese)

Family dispute resolution

(Also in Arabic, Cambodian, Chinese, Laotian, Spanish, Thai, Vietnamese)

Domestic violence

Going to court to get an ADVO

(Also in Arabic, Chinese, Farsi, Greek, Hindi, Italian, Korean, Kurdish, Mandarin, Portuguese, Russian, Spanish, Tagalog, Thai, Vietnamese; version in Aboriginal colours)

Apprehended Violence Orders-information for applicants

Apprehended Violence Orders-information for defendants

Criminal law

Going to court for defendants

Pleading guilty to a drink driving charge (Also in Arabic, Chinese, Vietnamese)

Character references (Also in Arabic, Chinese, Vietnamese)

Applying for Supreme Court bail

Facing a committal

Breaching parole

Reviewing and appealing local court decisions

Legal help for prisoners-
Prisoners Legal Service

Civil law

Squeezed for debt

Have you crashed your car?
(property damage)

Legal help for veterans and dependants

Help with mental health matters

Turning the Tide-storms, floods, insurance and you

Discrimination Toolkit-guide to making a discrimination complaint

Children and young people

Get Street Smart: Under 18-your legal rights in public spaces

Youth Drug and Alcohol Court Program

Children's Legal Service for young people

Telephone cards

Youth hotline card

Posters

Youth hotline

Get Street Smart

Who's who in the Local Court

Help at court-Women's Domestic Violence Court Advocacy Program (Also available in Aboriginal colours)

Audio CR-Rom

Welcome to Legal Aid

(Amharic, Dari, Dinka, English, Pushto, Somali, Swahili, Tigrinya)

Translated fact sheets containing the same information as the CD are also available on our website.

Corporate publications

Annual Reports

Corporate Plan

Other

Bookmark promoting Legal Aid online means test calculator

New resources produced in 2007-2008

Problems paying your mortgage? Things you can do (factsheet)

They are trying to take my home. Things you can do (factsheet)

Do you have a legal problem? was translated into three new languages-Hindi, Indonesian and Korean.

The audio CD-ROM *Welcome to Legal Aid* was recut with two additional new languages, Arabic and Juba Arabic.

After completing an audit, we updated 25 brochures.

How to order

Use the new online ordering system that was launched this year: www.legalaid.nsw.gov.au

Email us:

publications@legalaid.nsw.gov.au

Telephone our Publications Unit on 9219 5028.

Learning and development

Courses conducted
1 July 2007 to 30 June 2008

| Course title | Occasions | Total attendance | External attendance |
|--|------------|------------------|---------------------|
| Internal training Programs (most sessions also attract MCLE points) | | | |
| Aboriginal Awareness | 1 | 15 | 0 |
| Aboriginal Mentoring Program | 2 | 9 | 0 |
| ACHIEVE work life balance | 1 | 11 | 1 |
| Adolescent & Child Survivors of Torture & Trauma | 1 | 7 | 0 |
| African Culture & Migrant/Refugee Issues | 2 | 17 | 0 |
| ATLAS Information sessions | 3 | 52 | 0 |
| Career Development Program | 4 | 16 | 0 |
| Change Management for ATLAS | 2 | 28 | 0 |
| Conflict of Interest/CASES training | 1 | 3 | 0 |
| Court Visits - various | 4 | 14 | 0 |
| Cross Cultural Awareness/Using Interpreters | 15 | 194 | 21 |
| Demystifying Drugs & Alcohol | 5 | 38 | 5 |
| Demystifying Mental Illness | 10 | 194 | 147 |
| Dual Diagnosis and Substance Dependence | 5 | 107 | 88 |
| Finance Matters for Managers | 1 | 14 | 8 |
| First Aid For All | 2 | 48 | 10 |
| First State Super - Superannuation Briefing | 1 | 21 | 0 |
| Diploma of Business - various subjects | 15 | 224 | 42 |
| Foundations of Advocacy Workshop | 1 | 33 | 6 |
| Interpersonal Skills & Customer Service | 4 | 28 | 3 |
| Job Seeking Skills | 2 | 17 | 0 |
| Law for Non-Lawyers | 1 | 20 | 0 |
| Managing Aggressive & Violent Behaviour | 3 | 23 | 3 |
| Managing Psych Injury | 4 | 17 | 0 |
| New Managers & Supervisors | 3 | 18 | 9 |
| OHS, EEO & Anti-Discrimination | 3 | 39 | 2 |
| Organising Conferences & Seminars | 1 | 3 | 0 |
| Organising for Simplicity and Results | 2 | 15 | 0 |
| Personal Protection - Self Defence | 2 | 30 | 2 |
| Policy in Practice | 1 | 16 | 0 |
| Policy Online/ Navigating the New Manual | 12 | 83 | 0 |
| Policy Process | 1 | 8 | 2 |
| PP&D for Managers | 1 | 7 | 0 |
| Presentation Skills | 1 | 8 | 0 |
| Report Writing Session | 1 | 9 | 0 |
| Resolving Workplace Conflict | 2 | 11 | 1 |
| Risk Management Guidelines Information Sessions | 6 | 114 | 0 |
| Safety Leadership Workshop | 1 | 15 | 0 |
| Salary Sacrifice Info Session | 1 | 11 | 0 |
| Selection Techniques | 5 | 28 | 3 |
| Selection Techniques Refresher | 1 | 11 | 0 |
| Speed Reading | 3 | 25 | 0 |
| Stress Management | 3 | 26 | 2 |
| TACTICS e-Learning (inhouse) | 3 | 16 | 0 |
| Team Development/Building | 2 | 37 | 0 |
| Telephone Techniques | 2 | 18 | 0 |
| Trust Monies - What Are Your Obligations? | 1 | 29 | 1 |
| Working With Muslim Clients | 2 | 10 | 1 |
| TOTAL | 150 | 1,737 | 357 |

| Induction programs | Sessions | Total attendance |
|---------------------------|-----------------|-------------------------|
| Corporate Induction | 7 | 75 |
| OH&S Induction | 7 | 69 |
| Criminal Law | 3 | 15 |
| Family Law | 1 | 15 |
| TOTAL | 18 | 174 |

| Internal legal seminars and conferences | Sessions | Total attendance | External |
|--|-----------------|-------------------------|-----------------|
| Civil Law | 14 | 229 | 33 |
| Criminal Law (inc Children's Legal Service) | 10 | 528 | 205 |
| Family (inc Care and Protection) | 36 | 653 | 310 |
| Legal Services staff | 1 | 32 | 0 |
| WDVCAP Conference and sessions (estimated) | 3 | 454 | 434 |
| Online research - Library Training | 1 | 2 | 0 |
| TOTAL | 65 | 1,898 | 982 |

| Information management and technology | Sessions | Attendance |
|--|-----------------|-------------------|
| CASES | 46 | 266 |
| Grants Online | 13 | 13 |
| Excel 1 - Introduction to Excel | 2 | 6 |
| ICEBuilder - Author Training | 7 | 8 |
| LA Office | 17 | 42 |
| LawDocs | 14 | 25 |
| More About Outlook | 5 | 13 |
| Outlook (SPP) | 3 | 18 |
| One-on-One Training | 5 | 5 |
| PowerPoint 1 - Introduction to PowerPoint | 1 | 2 |
| TOTAL | 113 | 398 |

| External programs | Sessions | Attendance |
|--|-----------------|-------------------|
| External training programs (inc. accredited First Aid) | 91 | 113 |
| External IT Training programs | 27 | 30 |
| External seminars | 79 | 182 |
| External conferences | 29 | 73 |
| TOTAL | 172 | 342 |

| Grants training | Sessions | Total participants | External |
|--------------------------------|-----------------|---------------------------|-----------------|
| ATLAS (internal) | 7 | 152 | |
| Policy on Line (internal) | 2 | 42 | |
| Civil Law (external) | 2 | 30 | 30 |
| Panels (internal) | 3 | 22 | |
| Family Law (internal) | 21 | 190 | |
| Grants Panel & Audits Training | 2 | 42 | |
| TOTAL | 37 | 478 | 30 |

Human resources information

Head Office/Regional F.T.E. Staff as at 30 June 2008

| | |
|---------------------------|---------------|
| Head Office | 447.76 |
| Regional Offices | 337.01 |
| Total Staff F.T.E. | 784.77 |

Effective Full-time F.T.E. Staff as at 30 June 2008

| | |
|-------------------------------|---------------|
| CEO/SES | 6 |
| Legal Officers | 369.1 |
| Legal and Admin Support Staff | 409.67 |
| Total Staff F.T.E. | 784.77 |

Number of actual staff by employment category

| | Total Staff | Men | Women | ATSI | Minority ⁽¹⁾ | 1st Language not English | PWAD ⁽²⁾ | PWAD ⁽²⁾ workplace adjustment |
|---------------------------|-------------|------------|------------|-----------|-------------------------|--------------------------|---------------------|--|
| Permanent Full Time | 566 | 179 | 387 | 23 | 134 | 92 | 32 | 9 |
| Part-time | 112 | 6 | 106 | 1 | 16 | 13 | 5 | 1 |
| Temporary Full Time | 123 | 25 | 98 | 3 | 21 | 15 | 4 | 2 |
| Temporary Part-time | 45 | 6 | 39 | 0 | 4 | 2 | 3 | 0 |
| Contract SES | 6 | 4 | 2 | 0 | 0 | 0 | 0 | 0 |
| Non - SES | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Casual | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 852 | 220 | 632 | 27 | 175 | 122 | 44 | 12 |
| Actual Staff Total | 852 | | | | | | | |

Number of actual staff by salary

| Salary Range | Total Staff | Men | Women | ATSI | Minority ⁽¹⁾ | 1st Language not English | PWAD ⁽²⁾ | PWAD ⁽²⁾ Workplace adjustment |
|----------------------------|-------------|------------|------------|-----------|-------------------------|--------------------------|---------------------|--|
| <\$35,266 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| \$35,267 - \$46,319 | 6 | 3 | 3 | 0 | 0 | 0 | 2 | 1 |
| \$46,320 - \$51,783 | 204 | 18 | 186 | 15 | 39 | 27 | 13 | 3 |
| \$51,784 - \$65,526 | 177 | 25 | 152 | 5 | 38 | 30 | 8 | 2 |
| \$65,526 - \$84,737 | 242 | 78 | 164 | 4 | 55 | 36 | 12 | 3 |
| \$84,738 - \$105,923 | 206 | 84 | 122 | 3 | 42 | 29 | 9 | 3 |
| > \$105,923 (non SES) | 10 | 8 | 2 | 0 | 1 | 0 | 0 | 0 |
| > \$105,923* (SES) | 6 | 4 | 2 | 0 | 0 | 0 | 0 | 0 |
| Total | 852 | 220 | 632 | 27 | 175 | 122 | 44 | 12 |
| Actual Salary Total | 852 | | | | | | | |

Number of actual staff by area of work⁽³⁾

| | Central Sydney | Regional | Total |
|----------------|----------------|--------------------|------------|
| Legal Officers | 181 | 214 | 395 |
| Administrative | 298 | 159 | 457 |
| | | GRAND TOTAL | 852 |

FOOTNOTES

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

(2) People with a disability

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

*Executive position holders on or above Level 5: The CEO's total salary package was \$284,942 prior to him leaving Legal Aid NSW. He was paid as an SES Level 6.

Human resources information

| Number of actual staff by area of work – three-year trend | 2005–2006 | 2006–2007 | 2007–2008 |
|---|------------|---|---|
| Men | 209 | 220 | 220 |
| Women | 558 | 585 | 632 |
| Aboriginal | 8 | 8 | 27 |
| Minority ⁽¹⁾ | 150 | 154 | 175 |
| 1st language not English | 113 | 111 | 122 |
| PWAD | 44 | 40 | 44 |
| PWAD ⁽²⁾ workplace adjustment | 13 | 11 | 12 |
| GRAND TOTAL | 767 | 805 | 852 |
| Number of executive positions: two-year comparison | | 6 Contract SES (one at Level 6, two at Level 4, three at Level 2). | 6 Contract SES (one at Level 6, two at Level 4, three at Level 2). |

Staff diversity—EEO groups

TABLE A: Trends in the representation of EEO groups

| EEO Group | Benchmark | 2005 | 2006 | 2007 | 2008 |
|--|-----------|------|------|------|------|
| Women | 50% | 72% | 73% | 73% | 74% |
| Aboriginal & Torres Strait Islanders | 2% | 1.2% | 1.2% | 1.1% | 3% |
| People whose first language is not English | 20% | 14% | 14% | 14% | 15% |
| People with a disability | 12% | 6% | 6% | 5% | 5% |
| People with a disability requiring work related adjustment | 7% | 2% | 1.7% | 1.3% | 1.4% |

TABLE B: Trends in the distribution of EEO groups

| EEO Group | Benchmark | 2005 | 2006 | 2007 | 2008 |
|--|-----------|------|------|------|------|
| Women | 100 | 83 | 82 | 83 | 84 |
| Aboriginal & Torres Strait Islanders | 100 | N/A | N/A | N/A | 83 |
| People whose first language is not English | 100 | 97 | 95 | 97 | 100 |
| People with a disability | 100 | 93 | 93 | 89 | 95 |
| People with a disability requiring work related adjustment | 100 | N/A | N/A | N/A | N/A |

These benchmarks are part of EEO Disclosure Requirements, developed from a model EEO Management Plan, provided by the Public Sector Workforce Office.

NOTE TO TABLE B: Staff numbers are as at 30 June 2008. Casual staff are not included. A Distribution Index of 100 indicates that the centre of the distribution of the EEO group across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels. The Distribution Index is automatically calculated by the software provided by the Office of the Director of Equal Opportunity in Public Employment. The Distribution Index is not calculated where EEO group or non-EEO group numbers are less than 20.

Law reform

Our law reform work ensures that the interests of our clients are identified and acknowledged by the justice system.

LAW REFORM SUBMISSIONS

In 2007–2008 Legal Aid NSW made 43 law reform submissions to 19 different agencies and special committees.

Submissions to NSW Attorney General's Department

Law Reform Commission Report 114, Deaf and Blind Jurors
Review of Graffiti Related Laws
Intellectual Disability and the Law of Sexual Assault

DNA Sampling and Other Forensic Procedures Conducted on Suspects and Volunteers under the *Crimes (Forensic Procedures) Act 2000*

Proposals for Domestic Violence Offence

Draft *Jury Amendment Bill (2007)*

Youth Conduct Orders
Discussion Paper

Indigenous Law and Justice Strategies, Discussion and Issues papers 2007

Response to the Working Party on Drugs Move-On Powers
Jury Selection Report 117

Proposed reforms to the *Coroners Act 1980*

Review of the Legal Framework and Arrangements for Intoxicated People Found in Public Places

Submissions to Commonwealth Attorney General's Department

Review of the *Legislative Instruments Act 2003*

Consultation on the Possible Ratification of the United Nations Convention on the Rights of Persons with Disabilities

Contributions to submissions by Housing NSW

NSW Housing Appeals Committee: Future Development of the Appeals Model

Contributions to submissions to National Legal Aid

Submission to Australian Law Reform Commission Discussion Paper 72, Review of Australian

Privacy Law

Review of the *Legislative Instruments Act*

Draft Report of the Inquiry into Australia's Consumer Protection Framework

Consultation on the Rights of the possible ratification of the United Nations Convention on the Rights of Persons with Disabilities – National Interest Analysis

Discussion Paper, 2007-08
Review of Statutory Self-Regulation of the Migration Advice Profession

Inquiry into the *Australian Citizenship Amendment (Citizenship Testing) Bill 2007*

Submissions to NSW Law Reform Commission

Invasion of Privacy
Issues Paper 32 – Review of Privacy – Credit Reporting Provisions

Submissions to NSW Office of Fair Trading

Draft Consumer Credit (New South Wales) Special Provisions Regulation 2007

Review of Residential Tenancy Law
National Finance Broking Bill

Submissions to NSW Ombudsman

Issues Paper, Review of the *Law Enforcement (Powers and Responsibilities) Act 2002*

Review of Parts 2A and 3 of the *Terrorism (Police Powers) Act 2002*

Submission to Department of Immigration

Discussion Paper, 2007-08
Review of Statutory Self-Regulation of the Migration Advice Profession

Submission to Treasury

Financial Services and Credit Reform Green Paper, June 2008

Submissions to NSW Sentencing Council

Sexual Assault Offences – Review of Penalties
Provisional Sentencing for Young Offenders
Reduction of Penalties on Sentence

Submission to Administrative Decisions Tribunal

Guide to Social Security Jurisdiction and the Citizenship Test
Administrative decisions Tribunal

Submission to NSW Legal Reform Commission

Preliminary Submission on Jury Direction

Submission to Department of Corrective Services

Crimes (Administration of Sentences) Regulation 2008

Submission to Minister for Human Resources

Review of Job Capacity Assessments

Submission to Special Commission of Inquiry into Child Protection Services in NSW

Special Commission of Inquiry into Child Protection Services in NSW

Submissions to Legislative Council Standing Committee on Law and Justice

Inquiry into the prohibition on the publication of names of children involved in criminal proceedings,
Response to recommendations made by Legislative Council Standing Committee on the *Commonwealth Law and Justice (Shared Parental Responsibility) Act 2006*

Submission to Queensland Attorney-General and Minister for Justice and Minister for Fair Trading and Minister assisting the Premier in Western Queensland

Joint Consumer Response
September 2007

Submission to the House of Representatives Standing Committee on Economics, Finance and Public Administration

Inquiry into the Home Loan Lending Practices and Processes Used with People in Financial Difficulty

Submission to the Independent Reviewer, Jan McClelland and Associates Pty Ltd

Review of Code of Banking Practice Issues Paper

Legal program operational statistics

| Legal Aid NSW totals | 2005-06 | 2006-07 | % change from previous year | 2007-08 | % change from previous year |
|------------------------------------|----------------|----------------|-----------------------------|----------------|-----------------------------|
| CASE MATTERS | | | | | |
| Applications Received | 65,150 | 69,268 | 6.3% | 73,894 | 6.7% |
| Applications Refused | 8,228 | 7,919 | -3.8% | 8,435 | 6.5% |
| Inhouse Grants | 36,969 | 38,828 | 5.0% | 40,535 | 4.4% |
| Assigned Grants | 19,852 | 22,379 | 12.7% | 24,773 | 10.7% |
| Total Case Grants | 56,821 | 61,207 | 7.7% | 65,308 | 6.7% |
| Grant Rate | 87.4% | 88.5% | 1.1% | 88.6% | 0.1% |
| Applications Determined | 65,049 | 69,126 | 6.3% | 73,743 | 6.7% |
| Applications Undetermined@year end | 102 | 149 | 46.1% | 155 | 4.0% |
| Grants Finalised | 61,391 | 60,241 | -1.9% | 59,599 | -1.1% |
| Current Grants on Hand@year end | 33,716 | 35,201 | 4.4% | 41,535 | 18.0% |
| DUTY APPEARANCES | | | | | |
| Inhouse Appearances | 61,506 | 61,312 | -0.3% | 63,910 | 4.2% |
| Assigned Appearances | 61,518 | 62,310 | 1.3% | 68,461 | 9.9% |
| Total Duty Appearances | 123,024 | 123,622 | 0.5% | 132,371 | 7.1% |
| OTHER SERVICES | | | | | |
| Advice | 74,512 | 78,409 | 5.2% | 76,404 | -2.6% |
| Minor assistance | 5,540 | 5,713 | 3.1% | 6,065 | 6.2% |
| Information | 242,011 | 322,774 | 33.4% | 361,736 | 12.1% |
| Total Other Services | 322,063 | 406,896 | 26.3% | 444,205 | 9.2% |
| Total Client Services* | 501,908 | 591,725 | 17.9% | 641,884 | 8.5% |

| Criminal Law | 2005-06 | 2006-07 | % change from previous year | 2007-08 | % change from previous year |
|------------------------------------|----------------|----------------|-----------------------------|----------------|-----------------------------|
| CASE MATTERS | | | | | |
| Applications Received | 45,836 | 49,188 | 7.3% | 52,605 | 6.9% |
| Applications Refused | 3,283 | 3,249 | -1.0% | 3,275 | 0.8% |
| Inhouse Grants | 32,850 | 34,599 | 5.3% | 36,255 | 4.8% |
| Assigned Grants | 9,632 | 11,239 | 16.7% | 12,967 | 15.4% |
| Total Case Grants | 42,482 | 45,838 | 7.9% | 49,222 | 7.4% |
| Grant Rate | 92.8% | 93.4% | 0.6% | 93.8% | 0.4% |
| Applications Determined | 45,765 | 49,087 | 7.3% | 52,497 | 6.9% |
| Applications Undetermined@year end | 72 | 106 | 47.2% | 110 | 3.8% |
| Grants Finalised | 45,368 | 45,000 | -0.8% | 46,733 | 3.9% |
| Current Grants on Hand@year end | 17,786 | 18,791 | 5.7% | 21,586 | 14.9% |
| DUTY APPEARANCES | | | | | |
| Inhouse Appearances | 44,800 | 45,251 | 1.0% | 47,404 | 4.8% |
| Assigned Appearances | 45,444 | 46,030 | 1.3% | 52,777 | 14.7% |
| Total Duty Appearances | 90,244 | 91,281 | 1.1% | 100,181 | 9.8% |
| OTHER SERVICES | | | | | |
| Advice | 28,500 | 31,639 | 11.0% | 30,751 | -2.8% |
| Minor assistance | 698 | 807 | 15.6% | 662 | -18.0% |
| Information | 65,774 | 96,095 | 46.1% | 115,401 | 20.1% |
| Total Other Services | 94,972 | 128,541 | 35.3% | 146,814 | 14.2% |
| Total Client Services* | 227,698 | 265,660 | 16.7% | 296,217 | 11.5% |

*Excludes community legal education services which are reported separately on page 138.

Legal program operational statistics

| Family Law | 2005-06 | 2006-07 | % change from previous year | 2007-08 | % change from previous year |
|------------------------------------|----------------|----------------|-----------------------------|----------------|-----------------------------|
| CASE MATTERS | | | | | |
| Applications Received | 16,908 | 17,671 | 4.5% | 18,628 | 5.4% |
| Applications Refused | 4,045 | 3,795 | -6.2% | 4,227 | 11.4% |
| Inhouse Grants | 3,032 | 3,195 | 5.4% | 3,067 | -4.0% |
| Assigned Grants | 9,805 | 10,645 | 8.6% | 11,296 | 6.1% |
| Total Case Grants | 12,837 | 13,840 | 7.8% | 14,363 | 3.8% |
| Grant Rate | 76.0% | 78.5% | 2.5% | 77.3% | -1.2% |
| Applications Determined | 16,882 | 17,635 | 4.5% | 18,590 | 5.4% |
| Applications Undetermined@year end | 26 | 38 | 46.2% | 39 | 2.6% |
| Grants Finalised | 14,302 | 13,738 | -3.9% | 11,207 | -18.4% |
| Current Grants on Hand@year end | 13,701 | 14,106 | 3.0% | 17,531 | 24.3% |
| DUTY APPEARANCES | | | | | |
| Inhouse Appearances | 3,363 | 3,434 | 2.1% | 3,214 | -6.4% |
| Assigned Appearances | 2,925 | 2,531 | -13.5% | 2,944 | 16.3% |
| Total Duty Appearances | 6,288 | 5,965 | -5.1% | 6,158 | 3.2% |
| OTHER SERVICES | | | | | |
| Advice | 27,738 | 27,540 | -0.7% | 25,491 | -7.4% |
| Minor assistance | 2,872 | 2,946 | 2.6% | 3,133 | 6.3% |
| Information | 81,992 | 113,038 | 37.9% | 111,720 | -1.2% |
| Total Other Services | 112,602 | 143,524 | 27.5% | 140,344 | -2.2% |
| Total Client Services* | 131,727 | 163,329 | 24.0% | 160,865 | -1.5% |

| Civil Law | 2005-06 | 2006-07 | % change from previous year | 2007-08 | % change from previous year |
|------------------------------------|------------------|----------------|-----------------------------|----------------|-----------------------------|
| CASE MATTERS | | | | | |
| Applications Received | 2,406 | 2,409 | 0.1% | 2,661 | 10.5% |
| Applications Refused | 900 | 875 | -2.8% | 933 | 6.6% |
| Inhouse Grants | 1,087 | 1,034 | -4.9% | 1,213 | 17.3% |
| Assigned Grants | 415 | 495 | 19.3% | 510 | 3.0% |
| Total Case Grants | 1,502 | 1,529 | 1.8% | 1,723 | 12.7% |
| Grant Rate | 62.5% | 63.6% | 1.1% | 64.9% | 1.3% |
| Applications Determined | 2,402 | 2,404 | 0.1% | 2,656 | 10.5% |
| Applications Undetermined@year end | NRC [^] | 5 | 25.0% | 6 | 20.0% |
| Grants Finalised | 1,721 | 1,503 | -12.7% | 1,659 | 10.4% |
| Current Grants on Hand@year end | 2,229 | 2,304 | 3.4% | 2,418 | 4.9% |
| DUTY APPEARANCES | | | | | |
| Inhouse Appearances | 13,343 | 12,627 | -5.4% | 13,292 | 5.3% |
| Assigned Appearances | 13,149 | 13,749 | 4.6% | 12,740 | -7.3% |
| Total Duty Appearances | 26,492 | 26,376 | -0.4% | 26,032 | -1.3% |
| OTHER SERVICES | | | | | |
| Advice | 18,274 | 19,230 | 5.2% | 20,162 | 4.8% |
| Minor assistance | 1,970 | 1,960 | -0.5% | 2,270 | 15.8% |
| Information | 94,245 | 113,641 | 20.6% | 134,615 | 18.5% |
| Total Other Services | 114,489 | 134,831 | 17.8% | 157,047 | 16.5% |
| Total Client Services* | 142,483 | 162,736 | 14.2% | 184,802 | 13.6% |

| Veterans' Advocacy Service | 2005-06 | 2006-07 | % change from previous year | 2007-08 | % change from previous year |
|------------------------------------|--------------|------------------|-----------------------------|------------------|-----------------------------|
| CASE MATTERS | | | | | |
| Applications Received | 321 | 263 | -18.1% | 184 | -30.0% |
| Applications Refused | 10 | 6 | -40.0% | NRC [^] | -83.3% |
| Inhouse Grants | 149 | 141 | -5.4% | 105 | -25.5% |
| Assigned Grants | 162 | 115 | -29.0% | 78 | -32.2% |
| Total Case Grants | 311 | 256 | -17.7% | 183 | -28.5% |
| Grant Rate | 96.9% | 97.7% | 0.8% | 99.5% | 1.8% |
| Applications Determined | 321 | 262 | -18.4% | 184 | -29.8% |
| Applications Undetermined@year end | - | NRC [^] | N/A | NRC [^] | N/A |
| Grants Finalised | 390 | 360 | -7.7% | 204 | -43.3% |
| Current Grants on Hand@year end | 389 | 285 | -26.7% | 267 | -6.3% |
| OTHER SERVICES | | | | | |
| Advice | 2,716 | 2,425 | -10.7% | 2,172 | -10.4% |
| Minor assistance | 1,150 | 1,034 | -10.1% | 927 | -10.3% |
| Information | 111 | 40 | -64.0% | 36 | -10.0% |
| Total Other Services | 3,977 | 3,499 | -12.0% | 3,135 | -10.4% |
| Total Client Services* | 4,288 | 3,755 | -12.4% | 3,318 | -11.6% |

| Mental Health Advocacy Service | 2005-06 | 2006-07 | % change from previous year | 2007-08 | % change from previous year |
|------------------------------------|------------------|------------------|-----------------------------|---------------|-----------------------------|
| CASE MATTERS | | | | | |
| Applications Received | 348 | 235 | -32.5% | 331 | 40.9% |
| Applications Refused | 56 | 32 | -42.9% | 61 | 90.6% |
| Inhouse Grants | 233 | 134 | -42.5% | 208 | 55.2% |
| Assigned Grants | 43 | 49 | 14.0% | 47 | -4.1% |
| Total Case Grants | 276 | 183 | -33.7% | 255 | 39.3% |
| Grant Rate | 83.1% | 85.1% | 2.0% | 80.7% | -4.4% |
| Applications Determined | 332 | 215 | -35.2% | 316 | 47.0% |
| Applications Undetermined@year end | - | - | - | - | N/A |
| Grants Finalised | 265 | 238 | -10.2% | 365 | 53.4% |
| Current Grants on Hand@year end | 306 | 375 | 22.5% | 363 | -3.2% |
| DUTY APPEARANCES | | | | | |
| Inhouse Appearances | 9,275 | 8,937 | -3.6% | 9,299 | 4.1% |
| Assigned Appearances | 12,605 | 13,656 | 8.3% | 12,642 | -7.4% |
| Total Duty Appearances | 21,880 | 22,593 | 3.3% | 21,941 | -2.9% |
| OTHER SERVICES | | | | | |
| Advice | 97 | 256 | 163.9% | 401 | 56.6% |
| Minor assistance | NRC [^] | NRC [^] | 0.0% | 5 | 25.0% |
| Information | 471 | 516 | 9.6% | 753 | 45.9% |
| Total Other Services | 572 | 772 | 35.0% | 1,159 | 50.1% |
| Total Client Services* | 22,728 | 23,548 | 3.6% | 23,355 | -0.8% |

*Excludes community legal education services which are reported separately on page 138.

NRC[^] — Not recorded for confidentiality.

Legal program operational statistics

| Inhouse & private lawyers allocation of legal work | Inhouse lawyer | Inhouse lawyer % | Private lawyer | Private lawyer % | Total |
|--|----------------|------------------|----------------|------------------|---------------|
| FAMILY LAW | | | | | |
| Duty Appearances | 3,214 | 52.2% | 2,944 | 47.8% | 6,158 |
| Grants of Legal Aid | 3,067 | 21.4% | 11,296 | 78.6% | 14,363 |
| TOTAL | 6,281 | 30.6% | 14,240 | 69.4% | 20,521 |

| | | | | | |
|---------------------|---------------|--------------|---------------|--------------|----------------|
| CRIMINAL LAW | | | | | |
| Duty Appearances | 47,404 | 47.3% | 52,777 | 52.7% | 100,181 |
| Grants of Legal Aid | 36,255 | 73.7% | 12,967 | 26.3% | 49,222 |
| TOTAL | 83,659 | 56.0% | 65,744 | 44.0% | 149,403 |

| | | | | | |
|---------------------|---------------|--------------|---------------|--------------|---------------|
| CIVIL LAW | | | | | |
| Duty Appearances | 13,292 | 51.1% | 12,740 | 48.9% | 26,032 |
| Grants of Legal Aid | 1,213 | 70.4% | 510 | 29.6% | 1,723 |
| TOTAL | 14,505 | 52.3% | 13,250 | 47.7% | 27,755 |

| | | | | | |
|----------------------------|----------------|--------------|---------------|--------------|----------------|
| LEGAL AID NSW TOTAL | | | | | |
| Duty Appearances | 63,910 | 48.3% | 68,461 | 51.7% | 132,371 |
| Grants of Legal Aid | 40,535 | 62.1% | 24,773 | 37.9% | 65,308 |
| TOTAL | 104,445 | 52.8% | 93,234 | 47.2% | 197,679 |

| Family dispute resolution—Family Law | 2005-2006 | 2006-2007 | % change from previous year | 2007-08 | % change from previous year |
|--------------------------------------|-----------|-----------|-----------------------------|---------|-----------------------------|
| Number of conferences | 2,135 | 2,237 | 4.8% | 2,527 | 13.0% |
| Agreements reached | 1,837 | 1,895 | 3.2% | 2,156 | 13.8% |
| Agreement rate | 86.0% | 84.7% | -1.3% | 85.3% | 0.6% |

| Community legal education | 2005-2006 | 2006-2007 | % change from previous year | 2007-08 | % change from previous year |
|---------------------------|------------|------------|-----------------------------|------------|-----------------------------|
| Criminal Law | 130 | 184 | 41.5% | 174 | -5.4% |
| Family Law | 217 | 260 | 19.8% | 349 | 34.2% |
| Civil Law | 135 | 189 | 40.0% | 260 | 37.6% |
| TOTAL | 482 | 633 | 31.3% | 783 | 23.7% |

| Commonwealth and State allocation of Legal Aid NSW services | State matter | State matter % | Commonwealth matter | Commonwealth matter % | Total |
|---|---------------|----------------|---------------------|-----------------------|----------------|
| FAMILY LAW | | | | | |
| Grants | 5,119 | 35.6% | 9,244 | 64.4% | 14,363 |
| Duty Appearances | 3,761 | 61.1% | 2,397 | 38.9% | 6,158 |
| Advice | 1,332 | 5.2% | 24,159 | 94.8% | 25,491 |
| Minor assistance | 146 | 4.7% | 2,987 | 95.3% | 3,133 |
| Information Services | 20,250 | 18.1% | 91,470 | 81.9% | 111,720 |
| TOTAL | 30,608 | 19.0% | 130,257 | 81.0% | 160,865 |

| | | | | | |
|----------------------|----------------|--------------|--------------|-------------|----------------|
| CRIMINAL LAW | | | | | |
| Grants | 48,584 | 98.7% | 638 | 1.3% | 49,222 |
| Duty Appearances | 99,673 | 99.5% | 508 | 0.5% | 100,181 |
| Advice | 30,337 | 98.7% | 414 | 1.3% | 30,751 |
| Minor assistance | 644 | 97.3% | 18 | 2.7% | 662 |
| Information Services | 108,302 | 93.8% | 7,099 | 6.2% | 115,401 |
| TOTAL | 287,540 | 97.1% | 8,677 | 2.9% | 296,217 |

| | | | | | |
|----------------------|----------------|--------------|---------------|--------------|----------------|
| CIVIL LAW | | | | | |
| Grants | 1,263 | 73.3% | 460 | 26.7% | 1,723 |
| Duty Appearances* | 25,990 | 99.8% | 41 | 0.2% | 26,031 |
| Advice | 14,730 | 73.1% | 5,432 | 26.9% | 20,162 |
| Minor assistance | 1,099 | 48.4% | 1,171 | 51.6% | 2,270 |
| Information Services | 116,603 | 86.6% | 18,012 | 13.4% | 134,615 |
| TOTAL | 159,685 | 86.4% | 25,116 | 13.6% | 184,801 |

| | | | | | |
|----------------------------|----------------|--------------|----------------|--------------|----------------|
| LEGAL AID NSW TOTAL | | | | | |
| Grants | 54,966 | 84.2% | 10,342 | 15.8% | 65,308 |
| Duty Appearances* | 129,424 | 97.8% | 2,946 | 2.2% | 132,370 |
| Advice | 46,399 | 60.7% | 30,005 | 39.3% | 76,404 |
| Minor assistance | 1,889 | 31.1% | 4,176 | 68.9% | 6,065 |
| Information Services | 245,155 | 67.8% | 116,581 | 32.2% | 361,736 |
| TOTAL* | 477,833 | 74.4% | 164,050 | 25.6% | 641,883 |

*One record with missing Commonwealth/State information.

Freedom of information (FOI)

Name of Agency: Legal Aid NSW
 Period: from 1 July 2007 to 30 June 2008
 Agency Reference Number: 48

Nil Return: No
 Contact Name: Lyndsay Brooker
 Telephone (02) 9219 5859

| FOI requests | 2006-2007 | | | 2007-2008 | | |
|--|-----------|----------|-----------|-----------|----------|-----------|
| | Personal | Other | Total | Personal | Other | Total |
| New (includes transferred in) | 10 | 7 | 17 | 11 | 2 | 13 |
| Brought forward | 5 | 3 | 8 | 2 | 1 | 3 |
| Total to be processed | 14 | 9 | 23 | 13 | 3 | 16 |
| Completed | 14 | 7 | 21 | 12 | 2 | 14 |
| Transferred out | 0 | 0 | 0 | 0 | 0 | 0 |
| Discontinued//Withdrawn | 1 | 1 | 2 | 0 | 0 | 0 |
| Total Processed | 14 | 7 | 21 | 11 | 3 | 14 |
| Unfinished (Carried Forward) | 0 | 2 | 2 | 2 | 0 | 2 |
| Results of FOI Requests | | | | | | |
| Granted in full | 7 | 2 | 9 | 9 | 0 | 9 |
| Granted in part | 1 | 0 | 1 | 2 | 1 | 3 |
| Refused | 6 | 5 | 11 | 0 | 0 | 0 |
| Deferred | 0 | 0 | 0 | 0 | 0 | 0 |
| No document held | 0 | 0 | 0 | 1 | 1 | 2 |
| Completed | 14 | 7 | 21 | 12 | 2 | 14 |
| Applications granted or otherwise available in full | | | | | | |
| Provided to the applicant | | | | 9 | 0 | 9 |
| Applications granted or otherwise available in full | | | | | | |
| Available in Part | | | | | | |
| Provided to the applicant | | | | 2 | 1 | 3 |
| Ministerial certificates | | | | | | |
| Issued | | | nil | | | nil |
| FORMAL CONSULTATIONS | | | | | | |
| Required | | | nil | | | nil |
| Amendment of personal records | | | | | | |
| Requests | | | nil | | | nil |
| Notation of Personal Records | | | | | | |
| Requests | | | nil | | | nil |
| Basis of disallowing or restricting access | | | | | | |
| Section 10 (redirected) | 0 | 0 | 0 | 0 | 0 | 0 |
| Section 19 (Application incomplete, wrongly directed) | 2 | 1 | 3 | 0 | 0 | 0 |
| Section 22 (Deposit not paid) | 1 | 1 | 2 | 0 | 0 | 0 |
| Section 22 (Diversion of resources) | 0 | 0 | 0 | 0 | 0 | 0 |
| Section 25 (1)(a) (Exempt) | 1 | 3 | 4 | 0 | 0 | 0 |
| Section 25(1)(b),(c),(d) (Otherwise available) | 1 | 0 | 1 | 0 | 0 | 0 |
| Section 28(1)(b) (Documents not held) | 3 | 0 | 3 | 1 | 1 | 2 |
| Section 24(2) (Deemed refused - over 21 days) | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 8 | 5 | 13 | 1 | 1 | 2 |

| All completed requests | 2006-2007 | | | 2007-2008 | | |
|--|-----------|----------|-----------|-----------|----------|-----------|
| Assessed Costs | | | | | | \$765 |
| FOI Fees Received | \$135 | \$305 | \$440 | | | \$675 |
| Type of discount allowed | | | | | | |
| Processing Fees Waived in Full | | | | 5 | 0 | 5 |
| Public Interest | 0 | 0 | 0 | 0 | 0 | 0 |
| Financial Hardship Pensioner/Child | 6 | 1 | 7 | 4 | 0 | 4 |
| Financial Hardship Non Profit Organisation | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 6 | 1 | 7 | 9 | 0 | 9 |
| Days to process | | | | | | |
| 0-21 days | 6 | 3 | 9 | 9 | 1 | 10 |
| 22-35 days | 4 | 0 | 4 | 3 | 0 | 3 |
| Over 35 days | 4 | 4 | 8 | 0 | 1 | 1 |
| Total | 14 | 7 | 21 | 12 | 2 | 14 |
| Processing hours | | | | | | |
| 0-10 hrs | 7 | 6 | 13 | 12 | 1 | 13 |
| 11-20 hrs | 5 | 1 | 6 | 0 | 1 | 1 |
| 21-40 hrs | 1 | 0 | 1 | 0 | 0 | 0 |
| Over 40 hrs | 1 | 0 | 1 | 0 | 0 | 0 |
| Total | 14 | 7 | 21 | 12 | 1 | 14 |
| Number of reviews | | | | | | |
| Internal reviews | | | 1 | | 1 | |
| Ombudsman reviews | | | 0 | | 0 | |
| ADT Reviews | | | 0 | | 0 | |

| Internal review results | 2006-2007 | | | | 2007-2008 | | | |
|------------------------------|-----------|----------|----------|----------|-----------|----------|----------|----------|
| | Personal | | Other | | Personal | | Other | |
| | Upheld | Varied | Upheld | Varied | Upheld | Varied | Upheld | Varied |
| Access refused | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| Deferred | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Exempt matter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unreasonable charges | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charge unreasonably incurred | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Amendment refused | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |

Significant committees

Committees played an important role in helping us achieve our goals and deliver excellent outcomes to clients.

LEGAL AID REVIEW COMMITTEES

Five Legal Aid Review Committees determine appeals which relate to legal aid applications and grants of legal aid, helping to ensure our clients have fair and equitable access to legal aid services.

Committee membership as at 30 June 2008

Legal Aid Review Committee No. 1

Mr B Row - Chairperson, Minister's Nominee (alternates Mr I Linwood and Mr P Anet)
Mr J McCarthy QC, Bar Association/Law Society Nominee (alternates Mr P Menzies QC and Mr P Blacket SC)
Mr D Sword, Lay Member (alternate Mr J Terry)

Legal Aid Review Committee No. 2

Mr P Robinson - Chairperson, Minister's Nominee (alternates Mr D Norris and Ms B Baker)
Mr W Terracini SC, Bar Association/Law Society Nominee (alternates Ms A Healey and Mr M Buscombe)
Mr D Kelly, Lay Member (alternate Dr W Porges)

Legal Aid Review Committee No. 3

Mr K Garling - Chairperson, Minister's Nominee (alternates Mr R Rodgers and Ms Z Weremczuk)
Mr M Hodges - Bar Association/Law Society Nominee (alternates Mr B Thomas and Mr H Macken)
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 M Tunica)

Family Law Legal Aid Review Committee No. 2

Ms K Burns - 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 2007-2008

Legal Aid Review Committee No.1 met on 7 occasions and held 1 teleconference.

Legal Aid Review Committee No.2 met on 7 occasions and held 1 teleconference.

Legal Aid Review Committee No.3 met on 6 occasions and held 1 teleconference.

Family Law Committee No.1 met on 12 occasions and held 3 teleconferences.

Family Law Committee No.2 met on 12 occasions and held 2 teleconferences.

BOARD COMMITTEES

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

In 2007-2008, a range of committees made recommendations to the Board in matters relating to Legal Aid NSW's operations.

In doing that, they each sought the advice of senior staff and considered all relative options as a prerequisite to framing recommendations to the Board.

Committees that played a significant role during the year were:

Board Audit and Finance Committee

The primary objectives of the Board Audit and Finance Committee (BAFC) are to assist the members of the Board, including the Chief Executive Officer, in discharging their responsibilities relating to:

- financial reporting practices,
- business ethics, policies and practices,
- accounting policies, and
- management and internal controls.

The Committee also provides a forum for communication

between the Board, Chief Executive Officer, senior management, the internal and external auditors and ensures the integrity of the internal audit function.

The BAFC's Terms of Reference state the objectives, authority, duties, responsibilities, access and reporting procedures of the Committee.

The Board nominates the Audit and Finance Committee members and the Chair.

The members were: Meetings Attended

Phillip Bickerstaff
Chair, Independent 10
Phillip Taylor Independent . . 10
Bill Grant, CEO, Legal Aid NSW (to December 2007) 5
Steve O'Connor, A/CEO, Legal Aid NSW (from January 2008) 5
Russell Cox, Deputy CEO, Business & Client Services, Legal Aid NSW 10

Attendance

Stephen O'Malley
Director, Corporate Finance, Legal Aid NSW 10

There were 11 meetings in 2007-2008.

Civil Law Sub-Committee

The Civil Law Sub-Committee was reformed in 2007-2008 after not sitting for a number of years.

The members were:

Andrea Durbach (Chair and Board Member)
Amanda Tibbey, NSW Bar Association
Maria Girdler, Community Legal Centre representative
Mark Hodges, Law Society of NSW
Mary Whitehead, Legal Aid NSW
Tim Smith, Legal Aid NSW
Monique Hitter, Legal Aid NSW
This committee met once in 2007-2008.

Community Legal Centres Funding Sub-Committee

Advised the Board on funding for community legal centres.

The members were:

Rev. Harry Herbert (Chair), Board Member
Sara Blazey, Board Member
Polly Porteous, Director,

Combined Community Legal Centre's Group NSW

Louise Blazejowska, Manager, Community Programs, Legal Aid NSW

Dennis Roach, Manager CLC Funding Program, Legal Aid NSW

Richard Funston, Director, Strategic Planning and Policy Division, Legal Aid NSW

Helen Campbell, Chairperson, Combined CLC Group

Two face-to-face meetings and one telephone link up were held in 2007-2008.

Grants Sub-Committee

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

The members were:

Phillip Taylor (Chair), Board Member

Richard Gulley, NSW Law Society Geoff Lindsay SC, Bar Association, Board Member

Anita Anderson, Director, Grants, Legal Aid NSW

This committee did not meet in 2007-2008.

ADVISORY COMMITTEES

Aboriginal Justice Committee (AJC)

Advised the CEO on Aboriginal justice initiatives, service delivery, Legal Aid NSW employment strategies, and building strong partnerships with external bodies.

The AJC drives and monitors the implementation of the Aboriginal Justice Service Delivery Plan and ensures that all practice and policy areas are on track in delivering their individual targets within both that plan and the Corporate Plan. Frontline staff have now been included to ensure that issues affecting Legal Aid NSW services are brought to the attention of Directors. Membership has also been extended to key outside partners to ensure that Legal Aid NSW is strategically placed within the administration of justice in regard to Aboriginal issues. The AJC meets quarterly and reports directly to the CEO.

The members were:

Scott Hawkins, (Chair) Director, Aboriginal Services Unit

Richard Funston, Director, Strategic Planning and Policy

Annmarie Lumsden, Executive Officer

Monique Hitter, Director, Civil Law

Judith Walker, Director, Family Law

Anita Anderson, Director, Grants (to March 2008)

Tracey Bosnich Director, Grants (from April 2008)

Bronwyn McCutcheon, Senior Project Officer

Brian Sandland, Director, Criminal Law

Chelsea Stewart, Legal Support Officer, Dubbo

Kelly Smith, Legal Support Officer, Campbelltown

Key partners:

Renee Williamson, Aboriginal Legal Access Program Coordinator, NSW Community Legal Centres

Terry Chenery, Executive Officer, Aboriginal Justice Advisory Council

Trevor Christian, Chief Executive Officer, NSW/ACT Aboriginal Legal Service Inc.

Four meetings were held in 2007-2008.

Cooperative Legal Service Delivery Program Steering Committee

Advised the CEO on the CLSD Program (page 30).

The members were:

Louise Blazejowska (Chair), Manager, Community Programs, Strategic Planning & Policy, Legal Aid NSW (to August 2007)

Jenny Lovric (Chair), CLSD Program Manager (A/G), Strategic Planning & Policy, Legal Aid NSW (from August 2007)

Grant Arbuthnot, Tenant's Union Raymond Brazil, Aboriginal Legal Service (NSW/ACT) Limited

Jane Cipants, NSW Legal Assistance Forum

Anne Cregan, Blake Dawson

Amelia Davis, Blake Dawson

Lauren Finestone, LawAccess NSW (to May 2008)

Kim Gabler, CLSD Program Coordinator, Strategic Planning & Policy, Legal Aid NSW

Jennifer Goodsir, Court Services

Amy Kilpatrick, Public Interest Law Clearing House

John McKenzie, Aboriginal Legal Service (NSW/ACT) Ltd

Kylie Nicholls, Court Services, Attorney General's Department of NSW

Angela Pollard, Northern Rivers Community Legal Centre

Polly Porteous, Combined Community Legal Centres Group (NSW) Inc.

Jane Pritchard, LawAccess NSW (from May 2008)

Sue Scott, Law & Justice Foundation of NSW

Judi Teesdale, Law Society of NSW

Sue Walden, Legal Information Access Centre, State Library

Belinda Wilson (Clayton Utz) (to October 2008)

Three meetings were held in 2007-2008.

Environmental Consultative Committee

Advised Legal Aid NSW on public interest environmental law matters and made recommendations on whether grants of legal aid should be made.

The members were:

Professor David Farriar (Chair), University of Wollongong

Dr Alan Jones, Australian Museum

Linda Pearson, University of NSW

Mr Andrew Kelly, University of Wollongong (alternate member)

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

Professor Ben Boer, University of Sydney (alternate member)

Richard Major, Australian Museum (alternate member)

Tina O'Neill, Legal Aid NSW

Eight meetings were held in 2007-2008.

Human Rights Committee

Advised the Board on public interest human rights matters and made recommendations on whether grants of legal aid should be made. See page 50.

The members were:

Associate Professor Andrea Durbach (Chair), University of NSW

Professor George Williams (alternate Chair), University of NSW

Justine Nolan, University of NSW

Significant committees

Dr Ben Saul, University of Sydney
Dr Sarah Pritchard, Barrister
Nicholas Poynder, Barrister
(alternate member)
Shauna Jarrett, Solicitor
Pauline Wright, Solicitor
(alternate member)
Alex Grosart, Legal Aid NSW
(Executive Officer)
Eleven meetings were held in
2007-2008.

Women's Domestic Violence Court Advocacy Program (WDVCAP) Advisory Committee

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

The members were:

Louise Blazejowska (Chair)
Manager, Community Programs,
Legal Aid NSW
Julie Stewart, Project Officer,
Legal Aid NSW
Bev Lazarou, Project Officer,
Legal Aid NSW
Karen Wilcox (from March 2008),
Manager, WDVCAP, Legal Aid
NSW
Cheryl Alexander, WDVCA
Network Representative
Elly Raffo, WDVCA Network
Representative
Deborah Sykes, WDVCA
Network Representative, Rural
Robyn Auld, NSW Police Force
April Pham, VAW Specialist
Unit, Department of Community
Services
Christine Robinson, Warringa
Baiya Aboriginal Women's Legal
Centre
Jane Corpuz-Brock, Immigrant
Women's Speakout
Alex Faraguna, Intellectual
Disability Rights Service Inc.
Kim Price, Manager, Women's
Legal Services NSW
Kylie Nicholls, Office of the
Director, Court Services
Jenny Goodsir, Court Services
Four meetings were held in
2007-2008.

INTERNAL COMMITTEES

Access and Equity Committee

The Terms of Reference include
EEO issues, and "diversity" issues
relating to staff or community
members from culturally and

linguistically diverse backgrounds,
persons with disabilities,
Aboriginal people, women,
and people in rural areas. The
committee advised the CEO on
policies and strategies to ensure
Legal Aid NSW delivers equitable
services to the community and
its staff.

The members were:

- Anita Anderson (Chair), Director
Grants Division
- Dora Dimos, Grants Division
- Jan Pittard, Human Resources
- Christine Johnson, Executive
- David Fenech, Business and
Client Services
- Alex Grosart, Civil Law Division
- Leshia Bubniuk, Access and
Equity Coordinator, Strategic
Planning and Policy Division

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 people in the
workplace. The OH&S Committee
ensured representation and
active review of OH&S issues.
Legal Aid NSW has met
the targets required under
the *Working Together
Strategy* ensuring continuous
improvement to our OH&S and
injury management processes.

The members were:

Employer representatives

Russell Cox, Executive
Jennifer Bulkeley, Human
Resources
Nohad Ghibely, (Executive
Officer), Human Resources
June Woolcott, Business and
Client Services
Christine Johnson, Executive
Robert Wheeler, Civil Law
Division

Employee representatives

Shirl Acland (Acting Chair),
Metropolitan Region
Rebecca Suters, Northern Region
Rosemarie Lambert, Southern
Region
Sylvia Coleman, Southern Region
Danielle Castles, Metropolitan
Region
Tim Dougall, Metropolitan Region
The committee met four times in
2007-2008.

Peak Consultative Committee

This committee meets every
two months to discuss issues
affecting Legal Aid NSW in
accordance with the Premier's
Consultative Arrangements.
Current agenda items are:

- reports from sub committees
including the IT Consultative
Committee, Human Resources
Sub Committee, as well as other
Legal Aid NSW committees
such as the OH&S Committee
and Access & Equity Committee;
- organisational reviews;
- cost and classification;
- state wages; and
- Aboriginal Employment
Strategy.

The members were:

Bill Grant, CEO (to December
2007); Steve O'Connor A/CEO
from January 2008)
Russell Cox, Deputy CEO,
Business and Client Services
Jennifer Bulkeley, Director,
Human Resources
John Moratelli and Sue Emery,
PSA delegates
Stephen Spencer, PSA Industrial
Officer
Nohad Ghibely, Senior HR
Consultant, Workplace Relations
The committee met six times in
2007-2008.

OTHER COMMITTEES

CASES/ATLAS/TRIM Systems
Implementation Steering
Committee
Criminal Case Conferencing
Committee
Expensive Cases Committee
Human Resources
Sub-Committee
Homeless Persons Committee
IT Executive Committee
Older Person Client Group
Committee
Publications/Community Legal
Education Steering Committee
Review of Care and Protection
Program Implementation
Committee
Social Committee
Training and Development
Consultative Committee

Working with other organisations

Legal Aid NSW staff were members of over 90 interagency committees.

NATIONAL LEGAL AID COMMITTEES

Community Legal Education Working Group
Family Law Working Group
Grants Working Group
Human Resources Working Group
Legal Practice Working Group
National Legal Aid Directors

LAW SOCIETY COMMITTEES

Criminal Law Committee
Elder Law and Succession Committee
Family Issues Committee
Government Solicitors Committee
Law Week Board
Law Week Planning Committee

ABORIGINAL FORUMS

Do It Right Project (Aboriginal employment/ social security) Planning Committee
Good Service Forum (Aboriginal consumer law) Planning Committee
NSW Legal Assistance Forum, Aboriginal Working Group

CIVIL LAW COMMITTEES

Administrative Appeals Tribunal Users Group for Social Security Matters
Asylum Seekers Interagency
Australian Securities and Investments Commission Advisory Panel
Dispute Resolution Working Group
Boarders and Lodgers Action Group
Children in Detention Project
Consumer Trader and Tenancy Tribunal Commercial Division Consultative Forum
Consumer Trader and Tenancy Tribunal Tenancy Division Consultative Forum
Insurance Council of Australia
Consumer Consultative Committee
Insurance Ombudsman Service Forum
Mental Illness in NSW Prisons Network
Migration Review Tribunal/Refugee Review Tribunal Liaison Group
NSW Asylum Seekers and Refugees Forum (Department of Immigration and Citizenship)
NSW Client Reference Group (Department of Immigration and Citizenship)

Older Persons Abuse Committee, Northern Rivers Social Development Council
Older Persons Working Group, NSW Legal Assistance Forum
Office of Fair Trading Consumer Credit Code Working Party
Planning for Later Life Forum (covered by Department of Ageing Disability and Homecare)
Predatory Lending Project
Property Services Advisory Council
Public Housing Issues Working Party
Refugee Advice and Casework Service Management Committee
Refugee Council Board and Legal Sub-Committee
Residential Parks Forum
Retirement Villages Advisory Council
Supreme Court Possession List Users Group
Tenancy Legal Working Party
Welfare Rights Centre Board

CRIMINAL LAW COMMITTEES

Audio Visual Steering Committee
AVL Bail Court Working Group
Criminal Case Conferencing Evaluation Group
Case Conferencing for Young Adults Working Party
CASES/IT Group, Office of the Director of Public Prosecutions
Children's Court Advisory Committee
Children's Court Assistance Scheme Advisory Committee
Children in Detention Advocacy (CIDnAP) Project
Community Conferencing Program for Adult Offenders
Criminal Justice CEO's Senior Officers Group
Criminal Justice Research Network
Domestic Violence Court Intervention Model
Homeless Persons Legal Service
JusticeLink Group
Justice Sector Information Exchange Coordination Committee (JSIECC)
Local Court Users Forum
Sexual Assault Taskforce Implementation Committee
Standing Interagency Advisory Committee on Court Security (Justice Safety Task Force)
Supreme Court Users Group
Trial Efficiencies Working Group
Working Party on amendments to *Mental Health (Criminal Procedure Act)*

Working party on Drug Move-On Powers

Working party on the *Children's (Care and Protection) Act*
Youth Action and Policy Association
Youth Justice Advisory Committee
Youth Justice Coalition

FAMILY LAW COMMITTEES

Child Support Network
Child Support National Stakeholder Engagement Group (Child Support Agency and Department of Families, Housing, Community Services and Indigenous Affairs)
Children's Court Advisory Committee
Children's Law News Editorial Board
Review of Court Procedures Working Group (Children's Court/Department of Community Services/Attorney General's Department of NSW/Legal Aid NSW)
Family Court Steering Committee for the Magellan Program NSW
Greater Sydney Families in Transition Network Group

TRAINING COMMITTEES

Learning and Development Managers Forum (cross Public Sector)
National Legal Aid Forum Training Committee

OTHER COMMITTEES

Apprehended Violence Legal Issues Coordinating Committee
CEO Network
Domestic Violence Court Intervention Model Senior Officers Committee
Justice Agencies OH&S Forum
Justice Sector Chief Information Officer (CIO) Forum
LawAccess NSW Board
Legal Information Access Centre
MIDAS (Mid Size Agencies OH&S & Injury Management Forum)
Public Interest Advocacy Centre (Board Member)
Public Interest Law Clearing House

Policies in brief

Legal Aid NSW is a state funded body providing legal assistance in matters arising under New South Wales law. Legal Aid NSW also has an agreement with the Commonwealth to provide legal assistance in matters arising under Commonwealth law.

Legal Aid NSW has developed a range of policies 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. In deciding whether an applicant is eligible for legal aid, Legal Aid NSW may apply the following four tests which are summarised below:

1. JURISDICTION TEST

Looks at the type of matter for which legal aid is sought. Legal aid is available for the following types of matters:

Family law: State

- Proceedings under the *Property (Relationships) Act 1984*
- Adoption proceedings in exceptional circumstances
- Domestic violence proceedings as set out in the criminal law policies

Family law: Commonwealth

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

- Other orders relating to children, including parenting orders, location and recovery orders (including separate representation of children)
- Child support and child maintenance
- Spousal maintenance
- Dissolution and nullity of marriage
- Property proceedings
- Enforcement proceedings, or
- Contempt and breach of court orders proceedings
- Appeals to the Social Security Appeals Tribunal and the Administrative Appeals Tribunal in relation to child support and maintenance decisions

Civil law: State

- Matters where there is a likelihood of loss of the applicant's dwelling
- Consumer protection matters
- Public interest environment matters
- Matters involving loss of civil liberties, eg. false imprisonment, malicious prosecution
- Discrimination matters before the Equal

Opportunity Division of the Administrative Decisions Tribunal

- Coronial Inquest matters in limited circumstances
- *Protected Estates Act 1983* matters
- Matters under *Part 3 Division 6* or *section 41 of the Public Health Act 1991*
- Matters under the *Crimes (Serious Sex Offenders) Act 2006*
- Proceedings before the Administrative Decisions Tribunal or the Industrial Relations Commission to obtain an exemption under the *Child Protection (Prohibited Employment) Act 1998*.

Applicants at special disadvantage

Legal aid is also available for a wider range of state civil law matters where the applicant is at 'special disadvantage'.

Applicants at special disadvantage may be granted assistance in a wider range of matters, for example, personal injury, professional negligence and employment matters. An applicant at special disadvantage is a child or person having substantial difficulty in dealing with the legal system by reason of a substantial psychiatric condition, developmental disability, intellectual impairment or a physical disability.

Civil law: Commonwealth

- Matters arising under a *Commonwealth Act*, 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 in relation to a person that has a real prospect of affecting the 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 Legal Aid NSW and the Commonwealth Government.)
- Consumer protection
- Proceedings under the *Proceeds of Crime Act 2002*

Veterans' pensions

- Appeals from decisions of the veterans' review board about war-caused disability pension entitlement or assessment claims under Part II of the *Veterans' Entitlements Act 1988*
- Appeals from decisions of the veterans' review board about claims under the *Military Rehabilitation and Compensation Act 2004*

Human rights matters

Legal aid is available for public interest human rights matters where a case has a significant wider public interest or is of overwhelming importance to the client or raises significant human rights issues.

Mental health

- Magistrates' inquiries under the *Mental Health Act 2007*
- Proceedings before the Mental Health Review Tribunal
- Community Treatment Orders
- Appeals to the Mental Health Review Tribunal
- Appeals to the Supreme Court
- Representation of forensic patients
- Matters under the *Mental Health (Criminal Procedure) Act 1990*
- *Guardianship Act 1987* matters
- *Protected Estates Act 1983* matters, including proceedings in the Administrative Decisions Tribunal
- Dependency certificates and appeals under the *Drug and Alcohol Treatment Act 2007* pilot program.

Criminal law: State and Commonwealth Local Court

- Most criminal matters commenced by a police charge, except for drink driving and related offences unless there is a real possibility of gaol or exceptional circumstances exist
- Committal proceedings
- Domestic violence proceedings
- Annulment applications under Part 2 of the *Crimes (Appeal And Review) Act 2001*
- Drug court matters

Criminal law: State and Commonwealth District, Supreme, Court of Criminal Appeal and High Court

- Indictable matters
- Appeals
- Proceedings under Part 7 of the *Crimes (Appeal and Review) Act 2001*
- Defendants in prosecutions in the Land and Environment Court under environmental protection legislation in limited circumstances
- Defended charges arising under Commonwealth statute (excluding the *Proceeds of Crime Act 1987*) in certain circumstances
- Where an application is made to the Court of Criminal Appeal on behalf of the DPP for an acquitted person to be retried, pursuant to Part

8 of the *Crimes (Appeal & Review) Act 2001*

- Preventative detention orders under Part 2A of the *Terrorism (Police Powers) Act 2002 (NSW)*

Prisoners' matters

- Visiting justice proceedings
- Parole Board Review Hearings
- Life re-sentencing applications
- Reviews of segregation directions
- Advice and minor assistance in other matters

Children's criminal matters

Proceedings in the Children's Court

- Appeals to District Court
- Committal proceedings
- Sentence matters and trials in the District Court and Supreme Court
- Court Of Criminal Appeal and High Court.

Children's care matters

Proceedings under the Children and Young Persons (*Care And Protection*) Act 1998 in the:

- Children's Court
- District Court, Supreme Court and High Court
- Proceedings in the Community Services Division of the Administrative Decisions Tribunal and Appeals'

2. MEANS TEST

Legal Aid NSW applies a means test which takes into account an applicant's income and assets. Eligibility is determined by assessing the net assessable income (after allowable deductions) and the assets of the applicant and financially associated persons. The means test applies to both State and Commonwealth matters.

The means test does NOT apply to:

- 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
- 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 for ex-service personnel and their dependants

Policies in brief

(except for war service pension claims)

- Disabled persons before the Guardianship Tribunal and in Supreme Court appeals
- Drug Court matters

Applicants for legal aid receiving one of the eligible Centrelink income support payments, at the maximum rate can use their Centrelink statement of benefit to satisfy the income part of the means test. For further details, see Legal Aid NSW website at www.legalaid.nsw.gov.au.

3. MERIT TEST

There are two merit tests: one for State law matters and another for Commonwealth law matters.

In State law matters, Legal Aid NSW considers whether it is reasonable in all the circumstances to grant legal aid. Matters considered include, but are not limited to, whether the applicant has reasonable prospects of success and any detriment to the applicant if aid is refused or benefit if aid is granted. In Commonwealth law matters, the applicant must satisfy the following three criteria. They are the:

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

A merit test applies to:

- Most non-criminal matters (civil, family, administrative law matters 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 to:

- Criminal law matters (except appeals and Supreme Court bail applications)
- Children in the Children's Court
- Disabled persons for matters before the Guardianship Tribunal
- Separate representation of children in Family Court proceedings
- Most *Mental Health Act 2007* matters.

4. AVAILABILITY OF FUNDS TEST

Legal aid will only be granted if Legal Aid NSW determines that sufficient funds are available.

Contributions

In most cases Legal Aid NSW requires an initial contribution based on income and assets from a person granted legal aid. Certain cases are exempt. At the conclusion of the case or the legal aid grant, Legal Aid NSW may, (depending on the person's financial situation) recover the total costs of a matter where the applicant has recovered a sum of money or other asset or there is a substantial improvement in their financial circumstances.

For further details of our policies, please contact Legal Policy Branch, Strategic Planning and Policy Division on 9219 5859 or 9219 5034.

Glossary

Advice

Legal advice provided to a client by Legal Aid NSW solicitors. Includes advice given over the telephone.

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 (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.

ATLAS

Legal Aid NSW's new computerised grants management system.

CALD

People from culturally and linguistically diverse backgrounds.

CASES

Legal Aid NSW's new computerised case management system.

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

Legal advice and representation for some first-time court appearances.

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 office to the Grants Division, using the Grants Online system.

Family Dispute Resolution (FDR)

A non-adversarial dispute resolution process facilitated by a neutral third party, resolving disputes by consensus.

Family law conference

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

Grants of aid

Approval for casework matters.

Information

General information services about the justice system or information about legal aid services provided by Legal Aid NSW staff.

Inhouse

Refers to any legal or other service provided by employees of Legal Aid NSW.

Means test

Income and assets test used to determine eligibility for legal aid. Applies to both State and Commonwealth matters.

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 2007 to 30 June 2008.

TRIM

Legal Aid NSW's records management system.

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Note: Entries in italics are reported in accordance with the Annual Reports (Departments) Regulation 2005, Annual Reports (Statutory Bodies) Regulation 2005 and the Commonwealth State Territory Disability Agreement.

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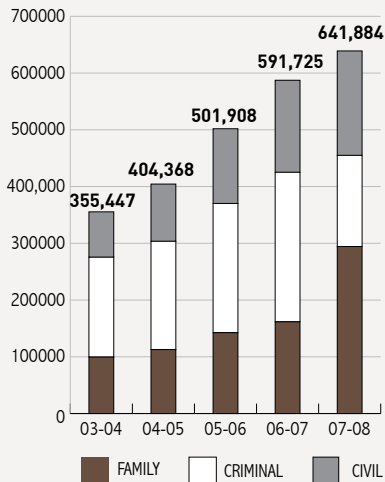
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Five year performance trends

Increased our overall services to clients by 80.6% over five years

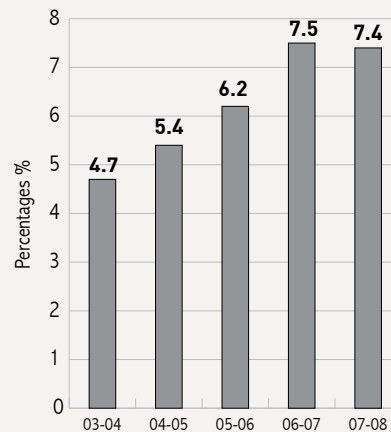
TOTAL CLIENT SERVICES BY LAW TYPE



Client services include legal advice, minor assistance, legal representation, duty appearances and information services (page 135). Community legal education sessions are excluded.

We increased our services to Aboriginal clients over five years

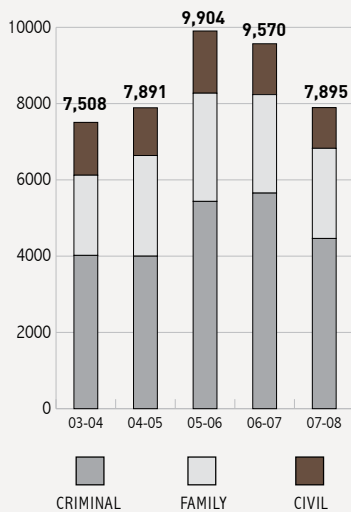
PERCENTAGE OF TOTAL CASE AND INHOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS



Services to Aboriginal people have increased over five years in all practice areas. Criminal law remains the largest area accessed; however, increases have also occurred in civil and family law. (page 13).

A 5.2% increase in outreach services over five years

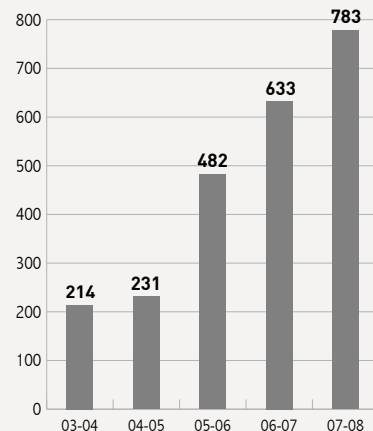
TOTAL OUTREACH SERVICES



In recognition of the needs of people who live long distances from the nearest Legal Aid NSW office, lawyers from Legal Aid NSW conduct regular visits to towns throughout the State to provide assistance on an 'outreach' basis. (page 31).

Community legal education sessions have risen significantly over five years*

TOTAL COMMUNITY LEGAL EDUCATION SESSIONS

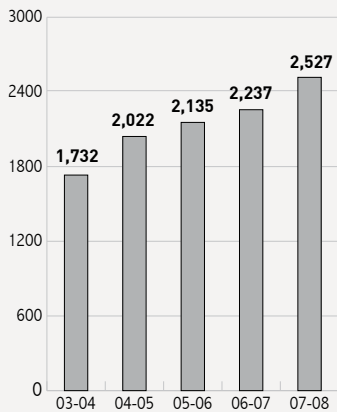


The significant increase in community legal education sessions is a combination of better reporting and more structured and strategic programs (page 24).

*Improved recording practices were introduced in 2006-2007.

Each year since 2004, we have surpassed our target of 2,000 conferences

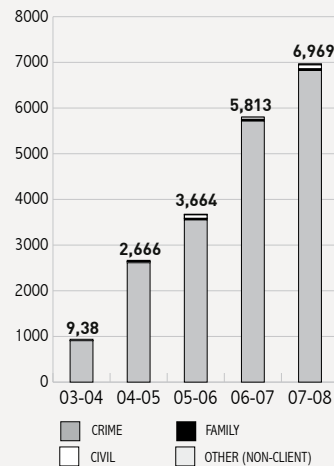
TOTAL MEDIATION CONFERENCES IN FAMILY LAW



We are assisting growing numbers of clients to resolve their family law disputes without going to court (page 18).

A significant increase in AVL use since inception

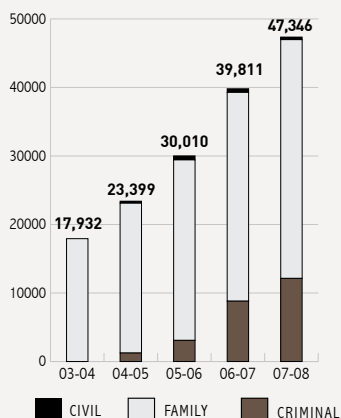
AVL CONFERENCES HELD



Legal Aid NSW staff use audio-visual link services to conduct interviews and bail applications (page 46).

A 164.0% increase in number of online requests over five years

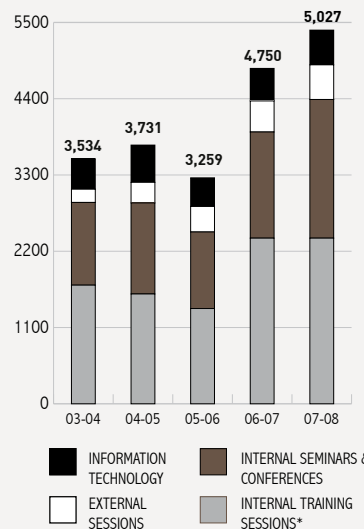
LEGAL AID APPLICATIONS LODGED ONLINE



We have made it quicker and easier for private practitioners to do business with us. As a result, the number of legal aid applications lodged online has increased fourfold in five years (page 35).

High participation in training—a 42.2% increase over five years

COURSE ATTENDANCES



*This is the first year that Grants Officer training is included.

There were 5,027 attendances at all training sessions, conferences and seminars— representing a 42.2% increase over the past five years (pages 39, 130).

CENTRAL SYDNEY

Ground Floor,
323 Castlereagh Street
Sydney NSW 2000
Tel: 9219 5000

BANKSTOWN

Level 8, Civic Tower
Cnr Rickard Road &
Jacobs Street, Bankstown 2200
Tel: 9707 4555

BLACKTOWN

Level 2, 13 Kildare Road
Blacktown 2148
Tel: 9621 4800

BURWOOD

Level 4, 74-76 Burwood Road
Burwood 2134
Tel: 9747 6155

CAMPBELLTOWN

Level 4, 171-179 Queen Street
Campbelltown 2560
Tel: 4628 2922

COFFS HARBOUR

41 Little Street,
Coffs Harbour 2450
Tel: 6651 7899

DUBBO

64 Talbragar Street,
Dubbo 2830
Tel: 6885 4233

FAIRFIELD

Level 2, Fairfield Chase
25 Smart Street, Fairfield 2165
Tel: 9727 3777

GOSFORD

Level 2, 37 William Street
Gosford 2250
Tel: 4324 5611

LISMORE

Level 4, 29 Molesworth Street
Lismore 2480
Tel: 6621 2082

LIVERPOOL

Level 4, Interdell Centre
47 Scott Street, Liverpool 2170
Tel: 9601 1200

MANLY

Ground Floor, 39 East Esplanade
Manly 2095
Tel: 9977 1479

NEWCASTLE

51-55 Bolton Street,
Newcastle 2300
Tel: 4929 5482

NOWRA

Level 2, 55-57 Berry Street
Nowra 2541
Tel: 4422 4351

ORANGE

121 Byng Street,
Orange 2800
Tel: 6362 8022

PARRAMATTA (Family & Civil)

Level 5, 91 Phillip Street
Parramatta 2150
Tel: 9891 1600

PARRAMATTA (Criminal Law)

Parramatta Justice Precinct
Level 1, 160 Marsden Street
Parramatta 2150
Tel: 8688 3890

PENRITH

95 Henry Street, Penrith 2750
Tel: 4732 3077

SUTHERLAND

3-5 Stapleton Avenue
Sutherland 2232
Tel: 9521 3733

TAMWORTH

Level 1, 424-426 Peel Street
Tamworth 2340
Tel: 6766 6322

WAGGA WAGGA

Best Place, Morrow Street
Wagga Wagga 2650
Tel: 6921 6588

WOLLONGONG

73 Church Street,
Wollongong 2500
Tel: 4228 8299

OFFICE HOURS:

Central Sydney: 8.30am to 5.30pm
All other offices: 9.00am to 5.00pm



**Phone LawAccess NSW on
1300 888 529 for information,
referral and advice.**



People who are hearing/speech impaired can communicate with us by calling the National Relay Service (NRS) on 133 677.

Legal Aid 
NEW SOUTH WALES

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