

Free legal advice
HERE
every week...same
time...same place



About this report

This annual report reviews and reports our performance, including what we set out to do in our Corporate Plan 2008-2009, based on four key goals.

A special focus this year is providing more services to priority client groups.

Reaching more people around New South Wales through community legal education and outreach programs is another focus, as is developing strong partnerships with other legal service providers.

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 received a Gold Award from the Australasian Reporting Awards—our second Gold Award in two years.

The 2007-2008 report also won the Gold Award in the 2009 Premier's Public Service Awards.

This is our 30th annual report. Next year's report will mark 30 years of legal aid, coinciding with the start of operations in December 1979.

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

A printed copy may be obtained by contacting us on 9219 5028.

OUR VISION

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

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 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



Wiradjuri Elders with Legal Aid NSW staff at a Stolen Wages community forum held at Wagga Wagga Gannambarra Enterprises, October 2008 (page 12).

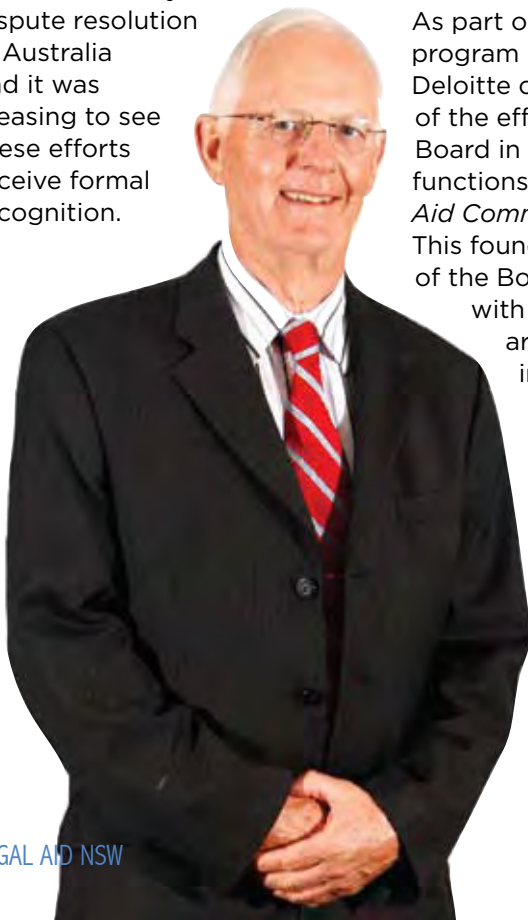
Chairperson's report

On behalf of the Board, I am pleased to introduce the Annual Report for 2008-2009.

During 2008-2009, the Board was briefed on a number of the significant developments detailed in this report.

These include outstanding achievements in community legal education, through innovative programs such as *Burn, Back on Track* and the work of the Older Persons' Legal and Education Program. These programs are excellent examples of providing early advice and education to assist vulnerable people to identify and resolve their legal problems.

Another highlight was the very positive assessment of family dispute resolution services provided by Legal Aid NSW, provided by KPMG as part of an evaluation of dispute resolution services in legal aid commissions across Australia. Legal Aid NSW has been one of the leaders in the use of family dispute resolution in Australia and it was pleasing to see these efforts receive formal recognition.



Making savings

Given growing demand for legal assistance in a tight budgetary environment, the Board was required to consider a number of management proposals for savings measures.

The Board subjected each of these proposals to close analysis, to ensure that they would deliver sustainable cost savings, whilst minimising the impact on services for the most disadvantaged members of the community. The Board was also keen to try to minimise any negative impacts on the many private lawyers across the State upon whom Legal Aid NSW depends in the delivery of legal assistance.

“I commend the staff of Legal Aid NSW for their continuing dedication to the administration of legal aid in NSW.”

Internal audit

As part of the internal audit program of Legal Aid NSW, Deloitte completed an audit of the effectiveness of the Board in carrying out its functions under the *Legal Aid Commission Act 1979*. This found the performance of the Board to be very high, with only a few minor areas identified for improvement.

The past financial year also saw the transition to a new Chief Executive Officer, with the appointment of Alan Kirkland from late July 2008.

I am grateful to Steve O'Connor for the contributions he made as Acting

Chief Executive Officer. I also appreciate the corporate knowledge that Steve continued to bring to the Board throughout the year.

I am delighted how well Alan has settled in as the new CEO. This reflects well not only on Alan's commitment and management skills, but also on the support he has received from the senior management team.

The term of the current Board ends on 30 October 2009 and I have advised the Attorney General that I will not be seeking reappointment.

I wish to record my thanks to the Board, all of whom have provided very valuable input to Legal Aid NSW, drawing on their differing backgrounds and experience.

I would also like to commend the staff of Legal Aid NSW for their continuing dedication to the administration of legal aid in NSW. They are passionate about the charter of Legal Aid NSW to provide equal access to justice and, as its 30th birthday draws near, I think both they and the community can be well pleased with their efforts.

I am proud to have had the opportunity to chair the Board of Legal Aid NSW over the last nine years and I wish it well for the future.

A handwritten signature in black ink that reads "Phillip Taylor".

**Phillip Taylor
Chairperson**

CEO's report

It is a pleasure to present the 2008–2009 Annual Report.

While it is risky to single out any individual highlights, two that deserve special mention are our new Statement of Cooperation with the Aboriginal Legal Service (ALS), which underlines our commitment to a strong, Aboriginal-controlled legal service, and the expansion of the Women's Domestic Violence Court Advocacy Program, which will significantly improve access to justice for women and children in domestic violence situations.

This report provides further detail on these and many other initiatives. It demonstrates our commitment to reporting transparently on our achievements, and on the areas in which we hope to do better over the next year.

“This annual report includes, for the first time, a set of service delivery targets for the coming year.”

Reporting on targets

Significantly, this annual report includes, for the first time, a set of service delivery targets for the coming year. The publication of targets was recommended by the Auditor General in his performance audit, completed in 2006, and supported by the Public Accounts Committee in its review of the performance audit in 2008. We have started with a small set of core targets, linked to strategies in our new corporate plan. Next year, we will report on our performance against these targets. We also hope to add

to the range of targets, as we improve data collection in other areas of service delivery.

Committed staff

Of course, reporting on achievements and targets in some ways obscures the work of the many individuals who make them possible. Every day across New South Wales, staff of Legal Aid NSW answer telephone calls from people in need, advise people on their legal rights, provide representation in court, handle applications for aid, or provide the support services that make all of this possible. Much of this work occurs in challenging circumstances, and I am personally grateful to our staff for their commitment and dedication to assisting disadvantaged people.

Two-year planning

Next year signals the start of a new, two-year corporate plan, with an emphasis on reducing social exclusion, improving access to justice, providing more integrated services for people with multiple needs, and increasing our ability to respond to changing needs. In recent years, Legal Aid NSW has led the way in developing new ways of assisting disadvantaged people, in partnership with community legal centres, the Aboriginal Legal Service, and private solicitors and barristers. I am excited about the possibility of taking some of these ideas further under the new corporate plan.

In closing, I must recognise the enormous effort that goes into the production of this report. Coordinated by a tiny, inhouse publications team, our last Annual Report was the recipient of two major awards: gold medals in the Australasian Reporting Awards and in the New South Wales Premier's Public Sector Awards. This was well deserved recognition for Miranda Jakich, who is the driving force behind this and many of our other high quality publications. This report is yet another example of her excellent work.

I hope that you enjoy reading this report.



Alan Kirkland
CEO



Fact file

Finance

Our total income was \$209.000 million and we spent \$215.928 million.

Of our total expenditure, 48.4% was spent in criminal law, 30.2% in family law, 10.7% in civil law and 10.7% 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 130 and 131 for our community program funding.

People

We employed 912 staff (824.34 FTE), 403 in regional offices and the balance in the Central Sydney office. Of that total, 431 are lawyers and 481 are employed in non-legal roles.

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

Divisions

Our organisation has four divisions: Legal Services; Strategic Planning and Policy; Grants; and Business and Client Services. See organisation chart on page 56.

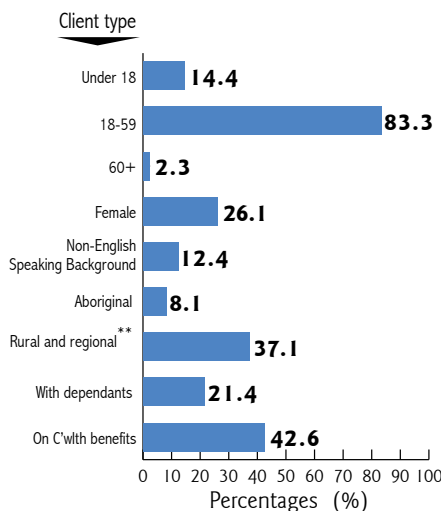
Within Legal Services there are three legal practices—civil law, family law and criminal law (pages 15–20). Each legal practice has a number of specialist services (page 7).

Clients

Our client profile has remained relatively stable in the last five years.

An independent survey of clients using civil law services showed an 86.5% satisfaction rating for our services (pages 10, 15). To improve customer satisfaction, we developed a new Client Service Charter explaining what clients can expect from us, as well as a new complaints brochure and form.

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



*Refer to explanatory note 3 on page 139.

**Includes Newcastle and Wollongong

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 plans.

Our key performance indicators measure how we are performing in accomplishing our core business. See pages 8–9 for our corporate plan and summary of future goals, and page 10 for our indicators and targets.

Management

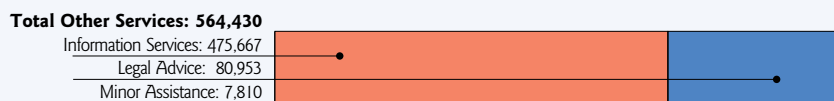
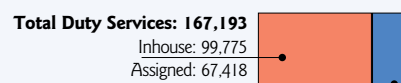
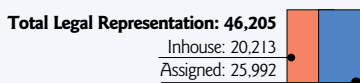
An independent board oversees our long-term strategic direction, whilst the day-to-day management is overseen by the Chief Executive Officer, assisted by an executive team of seven directors. See pages 55 and 57 for their profiles and achievements.

Private lawyers

In 2008–2009, 43.8% of our case and duty services were provided by private lawyers (page 142). These are called assigned matters.

**We provided
777,828 client
services.**

TOTAL CLIENT SERVICES IN 2008-2009: 777,828



Highlights & plans at a glance

Providing effective public legal services became even more crucial during a year of global financial crisis. Despite this climate, Legal Aid NSW still exceeded many of the key performance indicators and achieved the goals set by its Corporate Plan 2008-2009 and divisional plans. We responded with new programs that brought relief to people affected by the deepening crisis. Our work was underpinned by the concept of social inclusion—addressing the very problems that lead to people's disadvantage.

Delivering quality services

- Provided 777,828 client services
- Implemented a mortgage rescue strategy (p 15)
- Assisted over 1,100 Aboriginal clients with Stolen Wages claims (p 12)
- Delivered best practice family dispute resolution services, according to a Commonwealth report (p 17)
- Increased our services for priority client groups (p 12-14)
- Expanded domestic violence services for women to 72 Local Courts (p 31)
- Delivered 215 crime prevention workshops to 7,037 young people (p 22)

Working with our partners

- Extended the Cooperative Legal Service Delivery Program to the Far West and South Coast areas (p 27)
- Increased grants of aid in some regions by 19%, through the Regional Solicitor Program (p 27)
- Signed a new Statement of Cooperation with the Aboriginal Legal Service (p 34)

Building organisational capability

- Launched new case and grants management systems (p 42)
- Completed strategies in our Corporate Plan 2008-2009 and developed our two-year Corporate Plan 2009-2011 (p 43, 58)
- Supported eight positions on the Aboriginal careers program (p 39)
- Implemented three staff reviews (p 41) and four service reviews to ensure continuous improvement (p 12, 19, 24, 31, 43)
- Delivered Aboriginal cultural awareness training to 145 staff and partners (p 37)

Financial management

- Our net financial result for the year was a deficit of \$6.580 million (p 64)
- We made payments of \$95.005 million to private lawyers, including disbursements to other professional services

Promoting fairness and opportunity

- Made 44 law reform submissions (p 51, 137)
- Completed a research project to identify Aboriginal legal needs (p 48)
- Rolled out a statewide legal education program for prisoners (p 49)
- Commissioned a report on our response to domestic violence (p 47)

The year ahead

We will focus on:

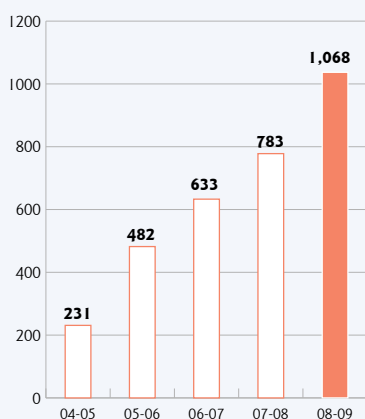
Social inclusion—prioritising services for those at greatest risk of social exclusion;

Access to justice—providing early access to legal help through information; community education and reforms to the legal system;

Integrated services—improving responses to the diverse needs of clients; and

Organisational flexibility—responding to changing legal needs.

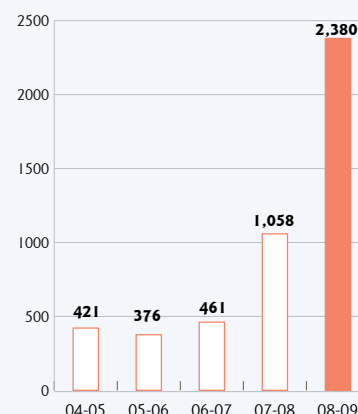
TOTAL COMMUNITY LEGAL EDUCATION SESSIONS 5 YEAR TREND



Community legal education (CLE) sessions rose by 36.4% on the previous year. CLE was a key strategy of our social inclusion program during a time of global financial crisis (p 22).

This substantial increase in the number of private lawyers on panels relates to the increases in panels and panel size (p 32).

LAWYERS ON PANELS 5 YEAR TREND



Our services at a glance

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

These two pages are a snapshot of our client services. Details about our goals and achievements in client service delivery can be found in the Corporate Plan (pages 8-9) and summaries for Goals 1 to 4 (pages 11-52).

Information

Provided 475,667 information services, an increase from last year.

Our information services are free and can be accessed by the general community. Our staff can help with 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.

Legal advice and minor assistance

Provided 88,763 advice and minor assistance services, an increase of 7.6% on last year (page 140).

Legal advice is available free to all our clients. Phone advice is available through LawAccess NSW (page 26).

Our lawyers will 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 46,205 matters (20,213 inhouse and 25,992 assigned).

Legal Aid NSW provides legal representation in criminal law, family law and civil law matters to people who meet its eligibility tests. See Policies in Brief on pages 151-153.

Clients need to apply for legal aid using our 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.

Duty solicitor services

Provided a total of 167,193 duty services (99,775 of these were inhouse and 67,418 were by private lawyers). See table on page 140.

Legal Aid NSW provides lawyers (called duty solicitors) in various courts and tribunals throughout NSW.

Duty solicitors provide advice and/or representation to

people appearing before the Local and Children's Courts on criminal charges. Some matters are able to be finalised on the first appearance. Otherwise the duty solicitor can seek an adjournment for further advice, to arrange a grant of aid or to allow time for further preparation.

A duty solicitor is provided to all persons in custody for a first appearance bail application.

The duty solicitor service is free of charge.

Legal Aid NSW also provides duty solicitor services for people involved in proceedings under the *Family Law Act 1975* and child support legislation. These services include providing advice and information, completing standard documents, and representation based on the guidelines. These services are provided across the State in the Family and Federal Magistrates Courts.

Duty solicitor services are available 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 Men's Shed backyard at Bonnyrigg was an opportunity for Matthew Hazard to give an informal talk to people on low incomes about contracts and borrowing money.



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.

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.

Publications and community legal education

Distributed almost 170,000 more publications than last year and increased our community legal education sessions by 36.4% (page 22).

We provide free publications and legal education kits to help people in NSW to understand their legal rights and responsibilities.

A full list of publications appears on page 132.

We conduct legal education sessions at venues across the State. These sessions can be tailored to suit the needs of particular groups (page 22).

Youth hotline

Answered 24,382 calls to the hotline, advising 9,908 young people about their legal rights, a 6% increase on last year (page 19).

Our telephone hotline provides legal advice to young people under 18, especially those 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 20).



Lauren Finestone from the Older Persons' Legal and Education Program attends the Seniors Ball at Paddington Town Hall during Seniors Week 2009.

Family dispute resolution

Held 2,294 conferences, reaching full or partial settlement in 84.7% (full table on page 142).

We provide family dispute resolution conferences in family law matters to facilitate the resolution of disputes at an early stage (pages 17 and 142). Parties are given the opportunity to negotiate a settlement which suits them, 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.

FDR is also available for matters in late litigation. Before legal aid is granted for parties to be represented at a final hearing, and, if appropriate, the parties are referred to FDR.

At least one of the parties must have a grant of legal aid before a conference is organised.

Specialist services

Implemented recommendations from a review of the Children's Legal Service and provided prisoners with a more holistic service (pages 19, 49).

Our specialist services are staffed by lawyers who are experts in their field.

Services include:

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

Corporate Plan 2008–2009

CORPORATE PRIORITIES

1 Delivering quality services

Pages
11–24

- 1.1 Continue to improve our understanding of the legal needs of the most disadvantaged clients and priority groups and develop responses that best meet their needs.
- 1.2 Respond to the needs of unrepresented litigants.
- 1.3 Regularly review service delivery strategies and policies to ensure they meet client needs.
- 1.4 Develop and implement methods to advance the care and protection of children.

2 Working with our partners

Pages
25–34

- 2.1 Make better use of the web, to improve access to information on legal issues and services.
- 2.2 Develop and implement community legal education programs for emerging migrant and refugee communities.
- 2.3 Expand and improve outreach services in Aboriginal communities.
- 2.4 Contribute to reforms to the legal system, particularly in relation to dispute resolution, trial efficiency and diversion from the criminal justice system.

3 Building organisational capability

Pages
35–45

- 3.1 Finalise implementation of a new case management system (CASES), grants management system (ATLAS) and document management system (TRIM).
- 3.2 Continue to provide access to training for ongoing professional development.
- 3.3 Review and re-develop our internet and intranet sites.
- 3.4 Promote a healthy, fair and diverse work environment within Legal Aid NSW.
- 3.5 Review long-term strategic planning mechanisms within Legal Aid NSW.
- 3.6 Cost our business.
- 3.7 Promote new corporate identity for Legal Aid NSW.
- 3.8 Improve access to existing corporate information.

4 Promoting fairness and opportunity

Pages
46–52

- 4.1 Identify and participate in research, policy and service delivery initiatives that will uphold and strengthen the protection of people's legal rights.
- 4.2 Promote a better understanding of the legal needs of people in domestic violence matters.

CORPORATE ACTIONS

- 1.1.1 Implement approved recommendations of the civil law ALS outreach review and civil law policies review by 31 March 2009.
- 1.1.2 Establish an older persons' legal and education program by 30 June 2009.
- 1.1.3 Implement strategies to address the legal needs of people with mental illness.
- 1.2.1 Develop and deliver legal education programs for unrepresented litigants in civil, criminal and family law by 30 June 2009.
- 1.3.1 Implement approved recommendations of the Client Assessment & Referral, Children's Legal Service and Library reviews by 31 March 2009.
- 1.3.2 Implement the Aboriginal Justice Service Delivery Plan by 30 June 2009.
- 1.4.1 Develop responses to recommendations from the Special Commission of Inquiry into Child Protection Services in NSW and implement plan of action.
- 2.1.1 Review the fee structure; adopt a methodology for reviewing fees by 31 March 2009.
- 2.1.2 Increase training to private practitioners.
- 2.2.1 Investigate ways of working more effectively with non-legal service providers.
- 2.3.1 Develop a structured framework covering community legal education (CLE) and publications for Aboriginal clients by 30 June 2009.
- 2.4.1 In consultation with CLCs, identify and implement measures for providing improved services to clients in our priority groups.
- 3.1.1 Implement strategies for the successful introduction of:
 - ATLAS on 29 September 2008,
 - the new CASES functionality by 29 September 2008, and
 - the enhanced version of TRIM by 31 March 2009.
- 3.2.1 Implement approved recommendations from the Review of Training/Learning Initiatives and Related Staffing by 30 June 2009.
- 3.3.1 Develop and implement an intranet and internet strategy by 30 June 2009.
- 3.4.1 Deliver advanced Aboriginal cultural awareness training to staff by 30 June 2009.
- 3.4.2 Investigate practical options for improving staff amenity and wellbeing.
- 3.4.3 Implement agreed OH&S and injury management audit recommendations by 30 June 2009.
- 3.5.1 Review our performance measurement and integrate results across all strategic plans by March 2009.
- 3.6.1 Finalise a methodology for obtaining information on the cost of services delivered by our inhouse practices.
- 3.7.1 Incorporate re-branding across operational areas.
- 3.8.1 Develop a knowledge management strategy.
- 4.1.1 Develop service delivery strategies to meet the needs identified through the research project on civil and family law needs of Aboriginal people by 30 April 2009.
- 4.2.1 Implement a statewide service delivery strategy in response to domestic violence by 31 March 2009.

WHAT WE ACHIEVED

- 1.1.1 Implemented recommendations from reviews, policies target people who are most at risk of being socially excluded. Implemented 90% of recommendations in review of civil law outreach services to Aboriginal communities.
 - 1.1.2 Provided 45 education sessions for 1,930 older people.
 - 1.1.3 Developed two online guides to mental health advocacy.
 - 1.2.1 Developed self-help resources on mortgage stress, understanding bail, police powers and recovery orders for children under the *Family Law Act*.
 - 1.3.1 Implemented 90% of recommendations from all three reports.
 - 1.3.2 Plan completed. Development of new plan commenced.
 - 1.4.1 Established a working party and proposed a model for use of alternative dispute resolution.
- 2.1.1 Developed a new framework for criminal law fees for further consultation in 2009-2010.
 - 2.1.2 1,316 private lawyers attended Legal Aid NSW training sessions, (up from 960 in 2007-2008).
 - 2.2.1 Expanded Aboriginal and homeless outreach services in partnership with non-legal service providers.
 - 2.3.1 Through the Aboriginal Services, Employment & Partnerships Plan 2009-2011, developed a strategy for CLE & publications.
 - 2.4.1 Developed partnership projects with CLCs for older people & homeless people. Established a joint Mortgage Stress Legal Support Program with the Consumer Credit Legal Centre.
- 3.1.1 ATLAS, integrated with CASES, introduced in March 2009 & problems arising are being addressed. Full TRIM implementation deferred to 2009-2010.
 - 3.2.1 Recommendations implemented, including an online one stop shop for staff development.
 - 3.3.1 New intranet developed. Internet architecture will be developed in 2009-2010.
 - 3.4.1 Ninety-nine people attended Aboriginal cultural awareness training.
 - 3.4.2 Conducted a staff health survey in June 2009.
 - 3.4.3 All audit recommendations were implemented.
 - 3.5.1 Performance measurement review postponed in line with changes to NSW Treasury's requirements for the Results and Services Plan.
 - 3.6.1 Conducted a cost survey of the inhouse practice; analysis to be completed in 2009-2010.
 - 3.7.1 Corporate rebranding deferred in context of budget pressures.
 - 3.8.1 A proposal for a knowledge manager role was developed and costed; to be pursued in 2009-2010.
- 4.1.1 Completed the survey on Aboriginal legal needs, findings integrated into new corporate plan & divisional plans.
 - 4.2.1 Completed a report on response to domestic violence in November 2008; planning for implementation commenced in June 2009.

FUTURE OUTLOOK

In 2008-2009, Legal Aid NSW developed a new Corporate Plan for 2009-2011. The period of the new plan aligns with the period of reporting of the current Results and Services Plan. This alignment of reporting will contribute to an integration of results across strategic plans.

Priorities identified in our Corporate Plan 2009-2011 reflect a determination within Legal Aid NSW to shape real change in four key areas:

Social inclusion
Prioritise services for those at greatest risk of social exclusion

Access to justice
Early access to legal help through information, community education and reforms to the legal system

Integrated services
Improved responses to the diverse needs of clients

Organisational flexibility
Better understanding of, and responsiveness to, changing legal needs

Measuring performance

Legal Aid NSW has again performed well across key performance indicators (KPIs) in 2008-2009.

These KPIs measure our overall performance in fulfilling our charter, and are distinct from our corporate plan which sets out what we intend to achieve by following identified strategies over a specified period. Legal Aid NSW will continue to review its performance measurement and future plans for 2009-2011, including the development of an integrated suite of demand, cost and efficiency indicators.

PERFORMANCE AREA	KEY PERFORMANCE INDICATORS		
	RESULT 06-07	RESULT 07-08	RESULT 08-09
Community awareness of legal rights and responsibilities			
Client satisfaction rating	N/A (survey not conducted during 2006-07)	N/A (survey not conducted during 2007-08)	86.5%*
Average waiting time for advice appointments	0.86 weeks	1 week	0.93 weeks
Number of information services provided	322,774	361,736	475,667
Rate per 100,000 of NSW population accessing information services	4,666	5,177	6,739
Number of advice and minor assistance services provided	84,122	82,469	88,763
Rate per 100,000 of NSW population accessing advice & minor assistance services	1,216	1,180	1,258
Number of publications distributed	368,888	382,405	548,203
Rate per 100,000 of people accessing publications	5,320	5,472	7,767
Accessibility of legal aid			
Means test income limit as a % of national minimum weekly wage	52.6%	60.9%	58.5%
Percentage of Local Court sittings serviced by duty solicitor schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive inhouse file reviews	97%	96%	96%
Number of Legal Aid NSW lawyers with specialist accreditation	72	69	66
Number of Legal Aid NSW lawyer's attendances at training sessions	2,327	2,060	1,813
Number of private lawyer's attendances Legal Aid NSW training sessions	820	960	1,316

*Survey based on civil law clients only.

Service delivery targets

A recommendation of the Auditor General's report, *Distributing legal aid in NSW*, was that Legal Aid NSW extend its reporting to include the number of services delivered against targets. Although Legal Aid NSW reports against targets in key areas of service delivery in State Budget papers, this is the first time that we have identified service delivery targets for inclusion in the annual report.

The identification of targets for specific service delivery measures reflects corporate priorities identified for 2009-2011 and will assist us to plan and deliver better quality services.

Targets have been identified for the following measures:

Measure (total number)	Target 2009-2010
Legal advice services	81,000
Information services	480,000
Inhouse and assigned duty services	167,000
Conferences—family dispute resolution	2,350
Community legal education sessions	930
Outreach advice services	6,900
Locations with regular outreach	102
Locations with regular outreach for Aboriginal communities	14

The service delivery targets have taken into consideration increasing demand for Legal Aid NSW services, and reduced funding from the Commonwealth.

A conservative approach has been adopted as this is the first time we have set these targets. Our performance against them will be regularly monitored, and some adjustments may be made to the targets in future.



Lawyers Sally Bryant (left), Kimberlei Goodacre (centre) and Ting Lim providing homeless people in Kempsey with legal advice.

Photo courtesy of Colffs Coast Advocate



GOAL 1

DELIVERING QUALITY SERVICES

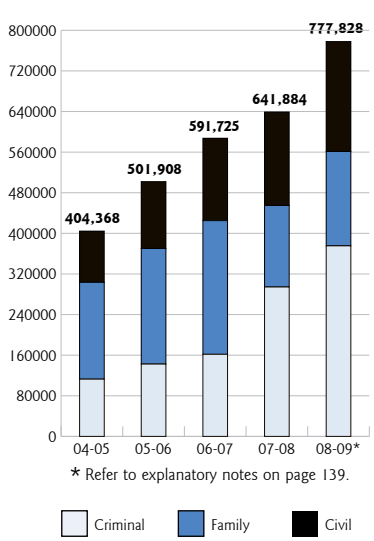
Key achievements

- Provided additional services for four priority client groups
- Expanded services in legal practices
- Conducted many successful cases

Provide consistent and equitable access to high quality services

We provided 777,828 client services**

TOTAL CLIENT SERVICES BY LAW TYPE 5 YEAR TREND



**Client services include legal advice, minor assistance, legal representation, duty services and information services (community legal education is excluded). Individual clients may have received more than one service in any given year (or across years).

IN THIS SECTION

Priority client groups	12
Legal practice highlights (civil, family, criminal).....	15
Client diversity	21
Community legal education.....	22
Private lawyers	24

Priority client groups

In the Corporate Plan 2008-2009, Legal Aid NSW identified four priority client groups to improve our understanding of the range of legal problems faced by some of our most disadvantaged clients, so we could develop policies and programs to better meet their needs.

PRIORITY CLIENT GROUP 1

Aboriginal people

Improving legal services to Aboriginal clients became a key priority in 2006 when Legal Aid NSW established an Aboriginal Services Unit to guide our work in this area. In three years, Aboriginal service delivery has become a core part of all planning and service delivery initiatives.

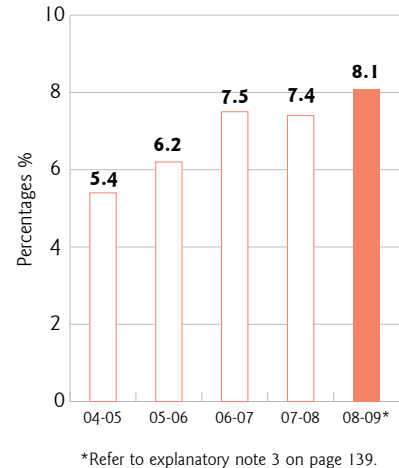
The 2008-2009 Corporate Plan has five Aboriginal-specific strategies, giving staff and management many opportunities to make a meaningful contribution.

An Aboriginal Justice Committee advises the CEO on Aboriginal justice initiatives, service delivery, employment strategies, and building strong partnerships with external bodies (membership on page 147).

The Aboriginal Justice Service Delivery Plan 2007-2009, which guided the implementation of our Aboriginal-specific initiatives, was successfully implemented. It will, along with the Aboriginal Employment and Career Development Strategy, form the basis for our new Aboriginal Services, Employment and Partnerships Plan 2009-2011, which seeks to further improve services to Aboriginal clients and support Aboriginal staff.

The Care and Protection Legal Service helped develop a Care Circles pilot at Nowra Children's Court, in partnership with the Attorney General's Department and the Department of Community Services. Care Circles allow Aboriginal community representatives to make recommendations to Children's Magistrates about Aboriginal children in care

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



*Refer to explanatory note 3 on page 139.

matters. We funded inhouse and panel lawyers to attend Care Circles for their clients and helped train inter-agency partners.

Almost all the recommendations made by a review of civil law outreach services to Aboriginal communities were implemented. Legal Aid NSW now conducts regular outreach

Stolen Wages claims

Legal Aid NSW staff assisted over 1,100 people to register for stolen wages claims.

Up until 1969, the NSW Government had legislative authority to place many Aboriginal workers' wages and other entitlements such as pensions and child endowment payments directly into trust fund accounts. When the trust fund accounts were abolished, the money was not returned to its rightful owners and instead went into consolidated revenue. The practice of withholding wages and other entitlements contributed to a legacy of poverty and disadvantage in many Aboriginal communities.

In 2005, the NSW Government established the Aboriginal Trust Fund Repayment Scheme (the Scheme) to repay Aboriginal people the wages and other monies that were held in trust and never repaid. The deadline for all Stolen Wages claims in NSW was 31 May 2009.

Legal Aid NSW was aware that many Aboriginal people did not know about the Scheme. In the lead up to the claims deadline, we presented community forums and conducted outreach to assist Stolen Wages claimants at a number of Aboriginal Legal Service offices and prisons — as well as 45 locations statewide.

Lawyers and support staff from most regional offices rearranged work priorities in order to get claims registered on time as the deadline approached. In a few short months Legal Aid NSW staff assisted more than 1,100 people to register for Stolen Wages claims across NSW.

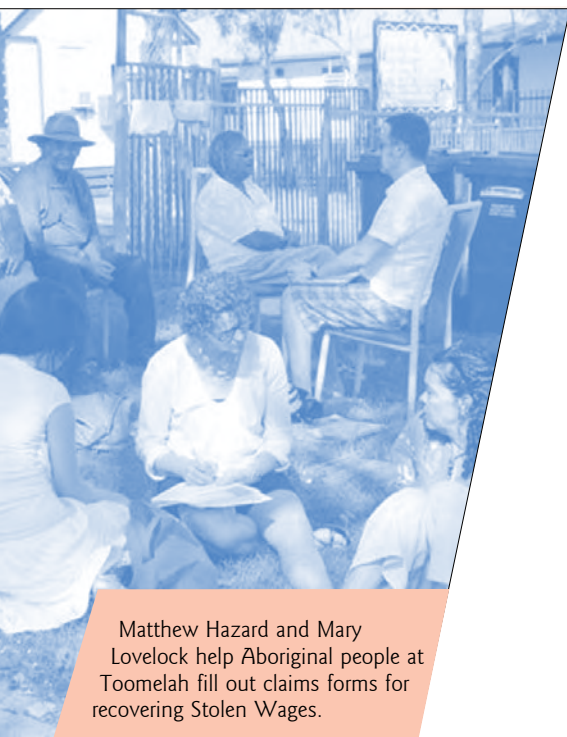
We developed excellent contacts with Aboriginal communities particularly in remote areas and will draw upon these experiences as we try to improve the quality of our outreach services to Aboriginal communities in the year ahead.

for Aboriginal communities at a number of locations including Redfern, Blackett, Kempsey, Newcastle, Toronto, Lismore, Wollongong and Nowra.

A highly successful pilot program was launched in the Mt Druitt area, providing family law and care and protection advice and assistance to Aboriginal people.

Other achievements include a well-attended weekly family and civil law outreach service at the Marrin Weejali Aboriginal Corporation in Blackett and a family law outreach at the Holy Family Centre in Emerton.

We produced a series of radio plays for young Aboriginal people based on the adventures of a Koori superhero called 'Super Cuz', who fights for justice on issues such as bullying, discrimination, policing and consumer problems.



Matthew Hazard and Mary Lovelock help Aboriginal people at Toomelah fill out claims forms for recovering Stolen Wages.

The year ahead

Provide more community legal education and outreach advice clinics to Aboriginal communities throughout NSW.

Launch Super Cuz and use the radio plays in legal education workshops in high schools.

Key challenge

Working successfully with the Aboriginal Legal Service (NSW/ACT) and other Aboriginal organisations to ensure our services are integrated and easy for clients to find and use.

PRIORITY CLIENT GROUP 2

Older people

The Older Persons' Legal and Education Program aims to improve access to legal education, legal advice and casework for older people. It comprises a specialist unit within the civil law practice and is delivered in partnership with the Aged-care Rights Service.

This year, Legal Aid NSW conducted 45 legal information sessions on substitute decision-making, end-of-life planning, protecting assets and other legal issues. Just under 2,000 older people and community workers in NSW took part.

Three information forums were held in regional NSW, reaching 265 older people.

Legal Aid NSW also launched an inter-agency initiative, the *Planning Ahead Pilot Project*, in collaboration with the Law Society of NSW, the Benevolent Society and Central Coast Case Management Services. This project enables disadvantaged clients of those two services to obtain free legal advice and/or have wills, powers of attorney and enduring guardianship appointments drawn up by private lawyers.

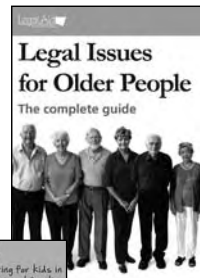
An extensive body of resources was developed this year, including a poster, seven plain language brochures on key legal issues for older people, information for Aboriginal grandparents, a multi-pack of audio brochures for libraries and residential facilities, and translations for Arabic, Chinese, Greek, Italian and Vietnamese older people.

The year ahead

Provide more education programs for culturally and linguistically diverse communities and Aboriginal older people using our new resources.

Key challenge

Enhance access to legal services for older people by developing projects with agencies that deliver support services to this target group.



An extensive body of resources was developed this year on key legal issues for older people, including a poster and several plain language brochures.

PRIORITY GROUP 3

Homeless people

Throughout 2008-2009, the civil law practice established a network of outreach clinics for homeless people throughout NSW.

Clinics provide advice, minor assistance and casework services to homeless people, as well as delivering community legal education to community workers on areas of law that particularly affect homeless people (e.g. fines, debt, housing, mental health orders and social security). These clinics also work closely with welfare agencies to ensure non-legal needs are addressed.

After increasing the number of homeless outreach clinics this year, we now have clinics in Blackett, Coffs Harbour, Kempsey, Grafton, Newcastle, Wollongong, Port Kembla, Nowra and Parramatta.

According to the 2006 Australian Bureau of Statistics Census figures, 39% of homeless people in NSW are under 25.

In May 2009, Legal Aid NSW, in collaboration with Southern Youth and Family Services, launched a service to help young homeless people deal with their legal issues, such as fines and other debt problems, in order to try to break the cycle of homelessness. The location at an existing youth service makes the service more accessible, overcoming the barrier of drawing homeless youth to a new location.

LOCAL NEWS

Legal help offered as homelessness rises

LEGAL AID NSW has a new service to help homeless people and those at risk of becoming homeless. The service includes weekly drop-in legal advice clinics in Coffs Harbour and Kempsey.

"Our experience is that issues like rising levels of debt and repossessions of homes have led to an increase in the number of people that are homeless or at risk of being homeless," senior civil law solicitor at Coffs Harbour Legal Aid Sally Bryant said.

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 Coffs Harbour clinic is held at the Uniting Church, next to the Soup Kitchen, every Tuesday between 11am and 1pm. It is a drop-in session and no appointments are necessary.

"Our aim is to assist homeless people deal with their legal issues, such as fines and other debt problems, in order to try and break the cycle of homelessness, or prevent circumstances leading to homelessness," Ms Bryant said.

The year ahead

Expand our homeless outreach program to more locations.

Work closely with other service providers to increase advice, education and casework services to homeless people.

Key challenge

Provide a more holistic approach to the needs of homeless people by integrating legal service delivery with non-legal support services.

PRIORITY CLIENT GROUP 4

Clients with a mental illness

The Mental Health Advocacy Service (MHAS) provides duty representation before Magistrates and the Mental Health Review Tribunal in 20 psychiatric units in metropolitan and central Sydney for people who are subject to involuntary treatment or detention under the *Mental Health Act 2007*.

The Service also coordinates assigned duty representation before the Mental Health Review Tribunal in 19 regional psychiatric units spread throughout NSW.

Its other core areas are representing forensic patients under the *Mental Health (Forensic Provisions) Act 1990*, and acting in proceedings before the Guardianship Tribunal.

Annually, MHAS represents over 300 forensic patients who are either in mental health facilities, prisons or released into the community, the majority of whom are found not guilty by way of mental illness.

In the news: Legal Aid NSW at the forefront of homeless assistance. Courtesy of *Coffs Harbour Advocate*.

This year the MHAS provided over 7,000 duty services. The Service successfully advocated on behalf of:

- an Aboriginal forensic patient to be released into supported accommodation, after being previously rejected for release;
- a client with an intellectual disability for revocation of a financial management order; and
- a patient with an intellectual disability being provided with supported accommodation and services in the community.

This year, we increased our community legal education sessions in hospitals and in the community, explaining legal aid policies in mental health law and practice.

The year ahead

Respond to changes to forensic practices under the *Mental Health (Forensic Provisions) Act 1990*.

Implement new service delivery practices in response to changes in the conduct of mental health inquiries.

Key challenge

Meet the increasing demands for representation of patients in mental health inquiries and the increasing number of applications for community treatment orders.

Civil law highlights

The civil law program provides legal advice, minor assistance, duty and casework services to people throughout NSW. It has unique expertise in delivering cost-effective services to disadvantaged communities in a broad range of general law.

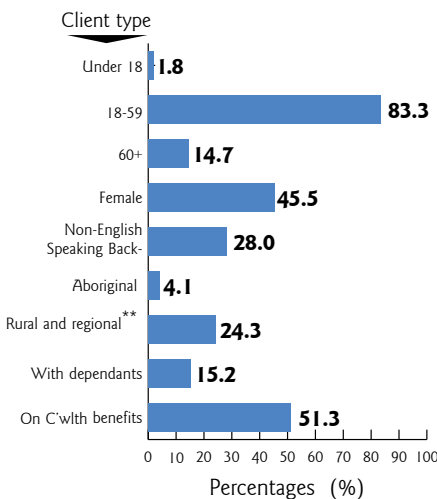
This practice is the largest civil law practice of all legal aid commissions in Australia, comprising a civil litigation practice based in the Central Sydney office and 13 smaller practices based in regional offices. The practice also has three specialist services: the Mental Health Advocacy Service; the Veterans' Advocacy Service; and the Coronial Inquest Unit.

Civil lawyers undertake community outreach work, particularly in areas where no civil law legal service is available, through clinics in more than 30 locations across NSW.

Total expenditure: \$23.209M
State: \$17.669M
Commonwealth: \$5.540M

10.7% of our overall budget was spent on civil law services.

CIVIL LAW CLIENT PROFILE*
 BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Refer to explanatory note 3 on page 139.
 **Includes Newcastle and Wollongong

Major achievements

Client satisfaction

Legal Aid NSW commissioned Iris Research to survey clients using civil law services, consistent with Priority S8 of the NSW State Plan—*Increased customer satisfaction with Government services*.

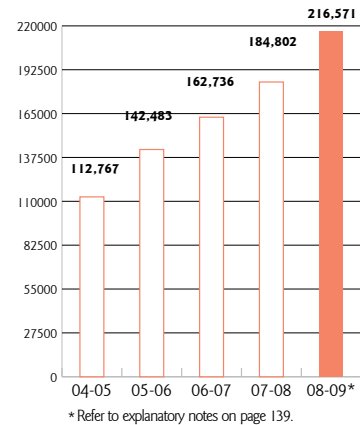
Iris surveyed 351 clients between October 2008 and March 2009. The majority surveyed (90.6%) said they would recommend the services of Legal Aid NSW to another person.

We began implementing recommendations from a review of civil law policies, making sure our policies target people who are most at risk of being socially excluded.

Mortgage rescue

Incidences of people under financial stress rose sharply this year. To meet the growing demand for assistance, mortgage stress information forums were held across NSW, explaining what people could do and where to find help. Forums were held in Newcastle, Dapto, Albury and Wagga Wagga, following on from Parramatta, Gosford and Rooty Hill in 2007-2008. Forums were conducted in partnership with the NSW Consumer Credit Legal Centre, the Office of Fair Trading and LawAccess NSW.

TOTAL CIVIL LAW CLIENT SERVICES 5 YEAR TREND



Legal Aid NSW also published a *Mortgage Stress Handbook*. The handbook has its own website at <http://www.legalaid.nsw.gov.au/mortgagestresshandbook/> By 30 June 2009, close to 11,000 copies had been distributed and 3,700 visits were made to the website.

These strategies contributed to Priority F4 of the NSW State Plan: *Embedding the principle of prevention and early intervention into Government service delivery*.

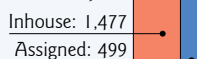
New legal service

The NSW Public Purpose Fund approved funding for a Mortgage Hardship Support Service to assist people taking action to solve their mortgage problems. This is a joint program with the NSW Consumer Credit Legal Centre (CCLC), which will see additional resources being placed at the CCLC and our Parramatta and Gosford regional offices. The program has two main objectives:

We increased our civil law advice and minor assistance services by 19.7%.

TOTAL CIVIL LAW CLIENT SERVICES IN 2008-2009: 216,571

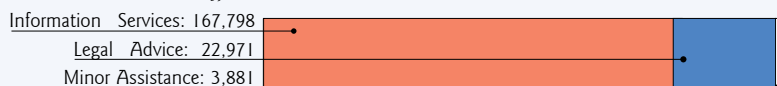
Total Legal Representation: 1,976



Total Duty Services: 19,945



Total Other Services: 194,650



assisting people experiencing mortgage stress to save their home; and, where appropriate, assisting people to leave their homes with minimal loss and disruption.

The new service also includes a duty service scheme at the NSW Supreme Court for unrepresented defendants facing repossession proceedings.

Civil law cases

Case 1 Financial abuse

An 87-year-old client had contributed \$555,000 towards the purchase of a property for herself and her nephew and his family. She did this through the sale of her unit and by withdrawing savings from bank accounts. Our client was not registered on the certificate of title. The relationship broke down and our client was forced to move into rented accommodation. The defendants claimed the money was a gift. We argued in the Supreme Court that the arrangement created a resulting trust, constructive trust or equitable charge. The case settled with the nephew agreeing to sell the property and the proceeds being split in accordance with the agreement reached by the parties.

Case 2 Homeless client

Our client was a ward of the State, abused while in care and highly disadvantaged. Her life included problems with drug use and moving from place to place. In this context she accumulated fines for riding a train without a ticket and unlicensed driving. Our client had seven outstanding penalty notice enforcement orders amounting to \$2,512. She also had three children whom she placed in temporary care while she went to drug rehabilitation.

On the basis of evidence setting out her life and recent history, we made compelling applications for the fines to be annulled.

Our client left court with no fines and no court costs, which means she can now arrange to renew her drivers licence and drive her children to and from school.

Case 3 Housing

Scicluna v NSW Land and Housing Corporation [2008] NSWCA 277

We acted for a housing tenant in the Supreme Court, appealing a decision to terminate his lease. The initial decision was not favourable but our appeal to the Court of Appeal was successful.

The case provides a clear judicial statement on the correct questions to decide in these cases.

The year ahead

Address social exclusion through our advice and legal practice as well as special projects. This will include:

- targeted outreach to locations experiencing high levels of disadvantage;
- further early intervention programs to help people in financial stress using new resources; and
- more outreach programs for homeless people and Aboriginal communities.

Key challenge

The global economic downturn is having a major impact on civil law services. Disadvantaged and broader communities are experiencing higher levels of debt and financial pressure. Our challenge is finding ways to meet this growing need. Our main method for addressing social exclusion caused by financial strain will be to work closely with non-legal support services to develop integrated service models.

Inquest raises safety issues

The Coronial Inquest Unit represented a widow at the coronial inquest into the death of her husband, whose car fell from the second level of the Carlton Crest car park in Thomas St Haymarket in 2006. Our client's husband was reversing his car into a car park whilst his wife was standing outside the car directing him.

Deputy State Coroner Dillon found that there was no evidence to support that the deceased was in any way at fault for the accident. The Coroner found that the car park did not meet the relevant building standards for vehicle or pedestrian safety.

The Coroner made wide-ranging recommendations including that the building be upgraded as a matter of urgency to meet the current standard. He also recommended that Ministers responsible for Local Government and Planning take steps by legislation or regulation to institute a system whereby Councils require an annual "green slip" type inspection by a structural engineer to be carried out by the owners or operators of above-ground car parks to ensure that vehicle and pedestrian safety barriers comply with relevant Australian Standards.

Family law highlights

The family law practice 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 21 locations across the State.

Family dispute resolution conferences are provided across NSW. Specialist legal services are offered in care and protection and child support. Outreach services are provided in 45 locations, offering family law services in regional centres where there are no Legal Aid NSW offices. Community legal education and law reform work are also part of the practice's role.

Total expenditure: \$65.239M

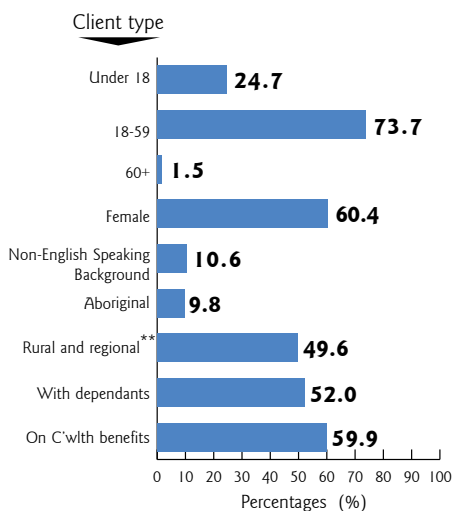
State: \$22.159M

Commonwealth: \$43.080M

30.2% of our overall budget was spent on family law services.

FAMILY LAW CLIENT PROFILE*

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Refer to explanatory note 3 on page 139.
**Includes Newcastle and Wollongong

Major achievements

Resolving family disputes

Legal Aid NSW is a designated family dispute resolution provider.

In 2008-2009, our Family Dispute Resolution (FDR) Unit held more mediations (conferences) than any other Australian legal aid commission: 2,294 with a full or partial settlement rate of 84.7%.

In April 2009, the Commonwealth Attorney-General released an evaluation report on dispute resolution services in legal aid commissions across Australia. The evaluation identified a number of strengths of the Legal Aid NSW model as well as opportunities for improvement. It found that Legal Aid NSW provides a highly cost-effective model. The \$26 million invested into the FDR program is estimated to generate over \$42 million of savings in court events.

In November 2008, FDR services expanded to provide a specialist mediation model for matters already in courts called 'late litigation'. Before aid is granted for a final hearing, these matters are now referred for dispute resolution if one of the parties is legally aided and the matter is appropriate.

Traineeships were introduced for Aboriginal mediators so we can provide culturally appropriate mediation services for Aboriginal clients. Three mediators successfully gained accreditation and joined our mediation panel.



Aboriginal mediator Tony Amatto and mediation conference organiser Juan Samiento plan the scope of statewide Aboriginal mediation services.

New resources

We published two resources during Law Week to help families obtain recovery orders in family law situations. The online versions can be viewed at: www.legalaid.nsw.gov.au/pubsonline

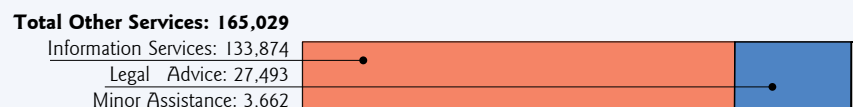
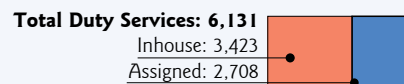
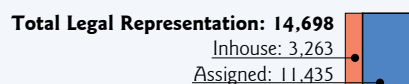
Work was completed on a new self-help guide for people involved in contravention proceedings.

Child support

A duty scheme for child support matters was launched at the Parramatta and Sydney registries of the Federal Magistrates Court. Each registry has increased the number of days that the Court deals with child support

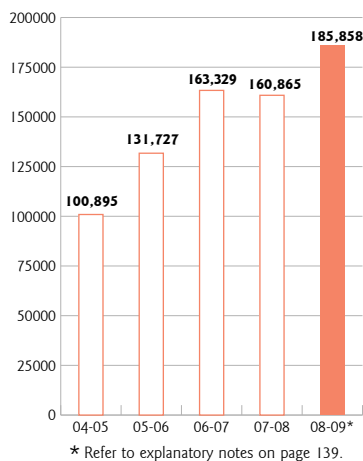
We provided legal advice and minor assistance in 31,155 family law matters, an increase of 8.8% on last year.

TOTAL FAMILY LAW CLIENT SERVICES IN 2008-2009: 185,858



matters. Our Child Support Service met this demand by providing specialist lawyers on days when child support matters are listed.

TOTAL FAMILY LAW CLIENT SERVICES 5 YEAR TREND



Family law cases

Case 1 High Court allows mother's appeal

We acted on behalf of a mother who was the respondent to an application under the Hague Convention on International Child Abduction. She was granted legal aid after the case had been determined at first instance and on appeal by the Full Court of the Family Court. On both occasions, the Court made orders requiring the mother to return overseas with the children. She then sought and was granted special leave to appeal to the High Court.

The matter proceeded to a hearing before the Full Court of the High Court in February 2009. The main issue on appeal was how the Court should determine whether children are "habitually resident" in a particular country and, especially, whether the Court should follow Australian and English authorities or more recent New Zealand authorities.

The High Court delivered an unanimous judgment on 11 March 2009, allowing our client's appeal with costs. The Court approved the New Zealand approach to the determination of habitual residence and found that the children were not habitually resident overseas at the time of being kept in Australia.

Case 2 A mediation first

The Family Dispute Resolution Unit trialed an unusual mediation with a successful outcome. Legal Aid NSW was representing a parent in a Hague Convention child abduction matter. The Family Court ordered that both parents attend mediation through a video linkup, in an attempt to resolve their differences and avoid a court hearing. It was the first time our Court Dispute Resolution Program was chosen as the channel for mediation in a matter of this type.

The conference involved both parents and their lawyers. The parent living overseas took part by video link, courtesy of the Family Court and its staff.

Both parents were able to express their main concerns and proposals. The conference settled within the two hours allocated by the Court.

The parenting agreement led to final court orders and the withdrawal of the Hague application for the return of the child. Both parties were saved a significant amount of time, stress and money.



Photo courtesy of Law Society Journal

Parramatta duty lawyer, Anna Boldiston at the launch of the self-help kit for parents during Law Week.

Changing laws and amendments

We established a working party to focus on implementing changes resulting from the Wood Report from the Special Commission of Inquiry into Child Protection Services. The working party developed Legal Aid NSW responses to recommendations, commented on legislative amendments, and participated in specialist focus groups.

The year ahead

Continue the work resulting from the Wood Report.

Improve our family dispute resolution service using the findings from the external evaluation.

Conduct more mediations for Aboriginal clients with the help of our new accredited Aboriginal mediators.

Launch the self-help kit on contravention orders and use it to conduct community legal education sessions at Family Court registries.

Key challenge

Responding to continued growth in demand for family law services in the context of no additional Commonwealth funding.

Criminal law highlights

The criminal law practice provides legal advice, minor assistance, duty services and representation in all criminal courts from the Legal Aid NSW Central Sydney Office and 19 regional offices. It also provides legal representation and other legal services at specialist courts including Children's Courts, the Parole Authority, the Adult Drug Court and the Youth Drug and Alcohol Court.

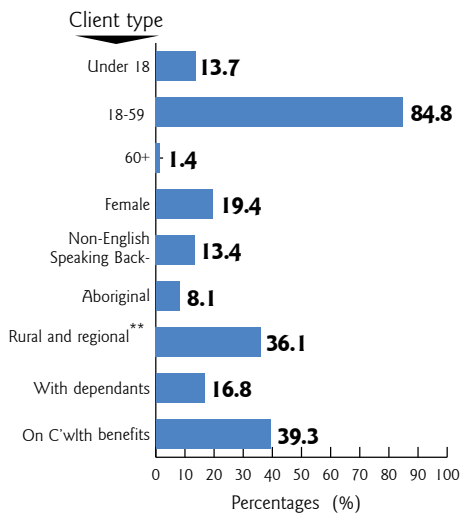
The services provided across NSW include representation in all jurisdictions from the Children's and Local Courts to the High Court. The practice provides community legal education and outreach and advice clinics as well as participating in law reform.

Total expenditure: \$104.411M
State: \$94.292M
Commonwealth: \$10.119M

48.4% of our overall budget was spent on criminal law services.

CRIMINAL LAW CLIENT PROFILE*

BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



*Refer to explanatory note 3 on page 139.
 **Includes Newcastle and Wollongong

Major achievements

Young people—service review

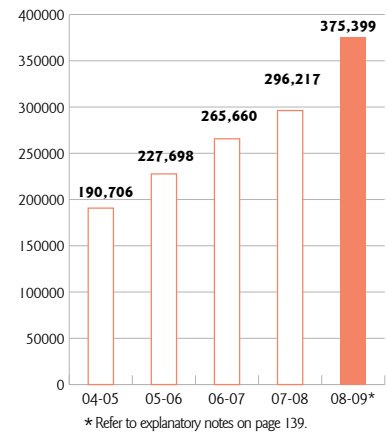
One of the key targets of the Corporate Plan 2008-2009 was to implement recommendations from a review of the Children's Legal Service. These included:

- relocating our staff to Parramatta Justice Precinct to service the large new multi-court complex;
- employing more staff to roll out our crime prevention program to schools around the State (page 22); and
- recruiting skilled lawyers to assist young people charged with serious offences; and
- training private lawyers in regional areas who work in children's law and are rostered on our Youth Hotline.

Young people—service increase

Two of our key services for young people in trouble with the law – the Youth Hotline and the Visiting Legal Service in juvenile justice centres, experienced a large increase in demand. This year, the hotline received 24,382 calls, a 6% increase on last year (22,996 calls), advising 9,908

TOTAL CRIMINAL LAW CLIENT SERVICES 5 YEAR TREND



young people about their legal rights. Lawyers provided 1,561 advice services to young detainees, compared to 1,078 in 2007-2008.

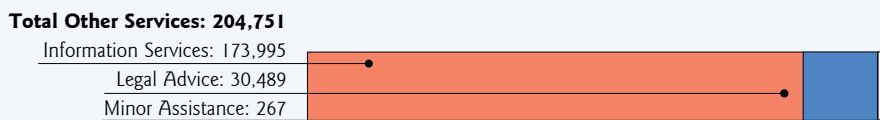
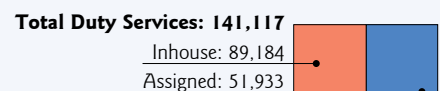
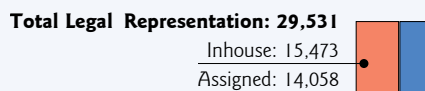
Reducing crime

Although this practice's main role is to provide advice and representation services for people charged with criminal offences who appear in criminal courts, we also contribute to crime prevention and diversionary programs aimed at reducing re-offending.

We took part in diversionary programs, including circle sentencing for Aboriginal offenders; forum sentencing, bringing together offenders and victims; the Magistrates Early Referral into Treatment drug treatment and rehabilitation program; and the Rural Alcohol Diversion Program, that provides adults with alcohol abuse or dependence problems the opportunity of rehabilitation as part of the bail process.

We provided 30,756 criminal law advice and minor assistance services to our clients.

TOTAL CRIMINAL LAW CLIENT SERVICES IN 2008-2009: 375,399



Young people were provided with alternatives to custodial sentences through the Youth Drug and Alcohol Court and Youth Justice Conferencing programs.

Legal Aid NSW is a member of the inter-disciplinary NSW Adult Drug Court team, providing legal assistance to all defendants appearing before the Court.

In February 2009 the Drug Court marked its 10th anniversary. This year, 317 participants were referred to the Adult Drug Court and 65 to the Compulsory Drug Treatment Correctional Centre. In total, 43% of participants received a non-custodial sentence*.

*Source: NSW Attorney General's Department.

Criminal law cases

Case 1 Miscarriage of justice

Director of Public Prosecutions v Emanuel [2009] NSWCA 42

Our client was charged with various offences to which he intended to plead not guilty. The matter was set down for hearing in the Local Court. The grant of aid was terminated for this client. He appealed to the Legal Aid Review Committee (LARC) against the decision terminating his grant of aid. He was unrepresented when he appeared in the Local Court. He applied for an adjournment in the Local Court on the date the matter was listed for hearing so that his LARC appeal could be determined. The application was refused and the matter proceeded without the client being represented. He was found guilty and sentenced.

He lodged a District Court appeal, but the issue of whether the Local Court properly determined his adjournment application ended

up being heard in the Court of Appeal.

The Court of Appeal determined that the Local Court did not properly consider his application for an adjournment as it did not consider the factors outlined in s57 of the *Legal Aid Commission Act 1979*.

In sending the matter back to the Local Court to be heard afresh by a new Magistrate, the Chief Justice of the Supreme Court said:

"Whereas here, an accused may have a statutory entitlement to an adjournment for the purpose of obtaining legal aid, there has been a denial of a reasonable opportunity to present his case...Accordingly he did not receive a fair trial".

Case 2 Beneficial interpretation

In representing a client appearing in the Drug Court, we ran an important argument seeking to clarify eligibility for our clients taking part in the Drug Court Program under s54(1)(b) of the *Drug Court Act 1998*.

The Drug Court Program applies both to people who are seeking admission to the program before sentence and, under the Compulsory Drug Treatment Correctional Centre Program (CDTCC) and, to those people who are in custody having been sentenced. The *Drug Court Act* is beneficial legislation in that it aims to address the causes of offending behaviour, where such behaviour contributes to or is caused by drug addiction. The same applies to the CDTCC.

On a strict view of the relevant legislation, this client was not entitled to be admitted to the program as he had received a fixed term of imprisonment, rather than a sentence involving a parole period.

The Drug Court however decided that this client should be eligible given his long-standing drug addiction and many previous sentences of imprisonment. This interpretation was consistent with the principle that any ambiguity in beneficial legislation such as this, should be construed generously.

This interpretation should result in other worthy applicants becoming part of the Drug Court Program.

Changing laws

In 2007, the Government introduced laws to prevent accused persons from making repeat applications for bail in the absence of new facts or circumstances. This has changed the advice given by lawyers in bail applications. To help people understand these changes, we published plain English brochures and translated them into Arabic, Chinese and Vietnamese.

The year ahead

Develop more resources for unrepresented litigants.

Expand community legal education to disadvantaged client groups.

Take part in new diversionary programs to help reduce clients' offending behaviour.

Better assist clients with mental health issues and intellectual disabilities to be diverted from the criminal justice system through rehabilitative treatment plans.

Key challenge

Allocating extra lawyers and support staff to the Parramatta area to match the concentration of courts at the Parramatta Justice Precinct.

Client diversity

Our Ethnic Affairs Priority Statement (EAPS) Forward Plan and Disability Action Plan guide our ongoing improvements in providing inclusive services to our clients from culturally and linguistically diverse (CALD) communities and people of all abilities. Our initiatives for women are aligned with the NSW Government Action Plan for Women.

Legal Aid NSW was one of four participating agencies in the Community Relations Commission review of the Ethnic Affairs Priority Statement Standards Framework.

We are currently developing our Cultural Diversity Plan, incorporating our Multicultural Policies and Services Program (formerly EAPS) for 2009-2011.

Major achievements

Clients from many cultures

We translated 15 different brochures into a number of community languages, providing information on going to court, legal issues for older people, family law, domestic violence and mortgage problems. Details of translated brochures are on page 132.

We made extensive use of interpreters, both face to face and telephone, for professional interviews, community legal education sessions and court hearings. Expenditure for the year was \$787,525, an increase from the previous year (\$686,461).

Enthusiastic staff took part in community activities, spreading the word about our services and distributing multilingual resources. These included the annual Ashfield Carnival of Cultures, Brazilian Ritmo festival and African workshops at Lismore and Wagga Wagga. Free legal workshops for newly arrived migrants were held in Newcastle, Auburn, Canley Vale and Campbelltown.

Diversity profile

- 26.1% of our case and inhouse duty clients are women.
- 12.4% of our case and inhouse duty clients are from culturally and linguistically diverse communities.

Clients of all abilities

A guideline for the use of communication devices for people who are deaf or have hearing or speech impairments was prepared to improve accessibility to Legal Aid NSW services and programs. This includes installing Superprint TTY phones at key Legal Aid NSW sites: Central Sydney, Parramatta Justice Precinct and the Mental Health Advocacy Service in Burwood, which will facilitate greater efficiency and confidentiality for our clients. Staff in key areas were trained in using the new phones.

Before developing our new *Disability Action Plan 2009-2011*, we consulted widely. In March 2009 we chaired a meeting of the Attorney General's Justice Disability Advisory Council to capture the views of people with a disability and experts in the sector, and consulted with the Disability Council of NSW. A staff survey was conducted in May 2009 to draw out people's views on our current practices, policies and organisational culture.

Legal Aid NSW supported the Deaf Society to develop a web-based legal information resource for people who are hearing impaired. *Going to Court* consists of short instructional films offering information on the law and the court system in Australian Sign Language, with

information presented in plain English. The project was made possible by a grant from the Law and Justice Foundation (LJF) of NSW.

Gender focus

Our community legal education programs provided targeted information to women about domestic violence, migration and family law matters.

We provided 44,233 services to women seeking protection from domestic violence through the courts (page 31) and commenced developing a statewide service delivery strategy in response to domestic violence (page 48).

Learning opportunities

A range of training was provided to develop our capacity to work inclusively and to support staff and clients. These included *Cross Cultural Awareness and Interpreters* that was completed by 43 staff, *Demystifying Mental Illness* completed by 33 staff and *Dual Diagnosis and Drug Dependence* completed by 123 staff.

The year ahead

Complete our Disability Action Plan and Cultural Diversity Plan to guide us through to 2011, and continue implementing the strategies.

Conduct an accessibility audit of our Central Sydney office and a regional site to identify any barriers to access for people with disabilities.

Develop Disability Disclosure Guidelines to support staff with a disability, and assist recruiters in running fair and inclusive recruitment processes for prospective staff.

Develop a Language Services Guide to complement the *Policy on the Use of Interpreters* and to assist staff in using interpreters and translators.

Community legal education

Legal Aid NSW has a strong history of providing information and legal education as part of its core services to the public. The Community Legal Education (CLE) Program focuses on providing innovative programs for priority client groups and strategic programs for those people not eligible for legal aid, including unrepresented litigants.

Major achievements

During 2008–2009, the focus of the CLE Program has been three fold: development, delivery and responsiveness.

Development

In accordance with the initiatives set out in the corporate plan, we have developed new educational resources for unrepresented litigants in each practice area.

We have also conducted strategic programs for priority client groups including young people, prisoners, people seeking to separate and divorce, older people, Aboriginal people and newly arrived migrants.

We have responded to emerging events in the community, including natural disasters such as floods and storms, mortgage stress and the Stolen Wages claim deadline.

Three new CLE solicitor positions appointed in 2007–2008 provided a significant boost to our capacity to provide strategic community legal education programs.

Our community legal education sessions increased by 36.4% compared to last year.

Delivery

A statewide community legal education program for prisoners in partnership with the Department of Corrective Services was launched in September 2008. *Back On Track*, a series of six DVDs, contributes to Priority R2 of the NSW State Plan – *Reducing re-offending* – by providing information and education to prisoners on debt, fines, tenancy, care and protection

and understanding the legal system so they can identify legal issues and seek assistance in resolving problems prior to release (page 49).

Legal Aid NSW commissioned a short film with a crime prevention message as part of CLE for young people.

BURN was launched by the Attorney General in August 2008.

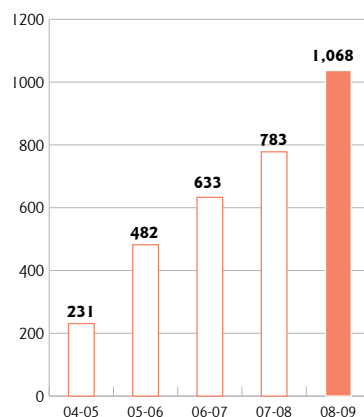
We delivered crime prevention workshops to 7,037 young people.

The film contributes to Priority R1 in the NSW State Plan—*Reduced rates of crime*—by educating young people about the consequences of group offending.

It was nominated for the Best Short Fiction Award at the Sydney Film Festival in 2009.

BURN is available for viewing on the internet at www.BURN-movie.com.au

TOTAL COMMUNITY LEGAL EDUCATION SESSIONS 5 YEAR TREND



The film was used in 215 workshops at schools, juvenile justice centres and youth centres involving 7,037 young people and 1,297 workers.

Aboriginal people learned about the law and the legal system by attending regional *Law for Non-Lawyers* training (page 34).

During Law Week, 11-17 May 2009, we provided education sessions for seniors at several locations in NSW on wills and power of attorney, the importance of advanced care and end-of-life planning.

Brochures and audio CDs on legal issues for older people were released in 2009 in many languages.





Community legal education services increased by 36.4% on last year.

Responsiveness

Staff across Legal Aid NSW rallied to do an outstanding amount of promotion and outreach in the lead up to the Stolen Wages claims deadline of 31 May 2009 (page 12).

The numbers of people under financial stress increased this year as the global economic downturn reached Australia. Repossession proceedings in NSW rose and over 4,000 homes were repossessed in 2008 (Australian Bureau of Statistics). Legal Aid NSW responded with a series of public forums and developed new resources to equip people under financial stress, part of a new rescue package in our civil law practice (page 15).

We also responded swiftly to floods in Lismore, Coffs Harbour, Tamworth and Bourke, attending recovery centres to give legal advice and information to flood-affected communities.

The year ahead

Increase CLE sessions to Aboriginal people, reflecting recommendations from the report on *The Civil and Family Law Needs of Aboriginal People in NSW* (page 47).

Develop and deliver innovative legal education to newly arrived migrants utilising bilingual community workers.

Launch a web-based CLE management system that will interface with the Legal Aid NSW web site. This new web based application will provide new functionality such as an online calendar of workshops and seminars.

Deliver workshops to priority client groups using new innovative resources such as DVDs and radio plays.

Resources

We developed new resources that will be used widely to support CLE programs, including:

- a resource kit for parents seeking recovery orders in the Family Court in English, Arabic, Chinese and Vietnamese (page 17);
- a *Mortgage Rescue* package including a website, handbook and DVD (page 15);
- *Understanding bail* resources in Arabic, English, Chinese and Vietnamese to help people understand changes to bail laws (page 20);
- brochures and audio CDs on legal issues for older people (page 13); and
- radio plays for young Aboriginal people (page 13).

A full list of resources appears on page 132.

Kai Wu (below, right) attended forums in Bourke (December 2008) and Tamworth (February 2009) giving legal advice to flood victims.



Left: Resources in several languages will help unrepresented parents appearing before the Family Court.

Providing holistic services

Legal Aid NSW social workers work collaboratively with lawyers to ensure the best possible outcomes for clients. They do this by addressing the complex range of social difficulties underlying people's legal problems.

Major achievements

During the year the Client Assessment and Referral Unit assisted with 391 referrals by providing a range of social work services to improve outcomes for Legal Aid NSW clients, the majority of whom were at particular social or economic disadvantage.

The Unit was reviewed during 2007-2008 as one of the key objectives of the 2007-2008 Corporate Plan. In March 2009, Board members were advised of a number of recommendations to improve service delivery. Recommendations from the review are being implemented through the establishment of protocols between the Unit and legal practice areas.

The year ahead

Provide more assistance to priority clients groups and those with high and complex needs.

Assist clients who need more intensive support and assistance to access community services.

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 2008-2009, private lawyers provided 43.8% of our case and duty services.

Private lawyers working on assigned cases achieve many positive outcomes for individual or client groups. The cases below, involving children, demonstrate how private lawyers contribute to assisting some of our most vulnerable clients.

Case 1 Personal injury claim

A young girl, now aged 12, tripped and fell down the steps at a hall where she attended dancing lessons. The fall took place when she was seven and happened because there was no light provided in the hall area. She suffered facial injuries and needed substantial dental work. Legal action was brought against the dance studio and the building owner. The two defendants would not settle on the initial offer, and the District Court awarded damages and costs.

Case 2 Professional medical negligence

Legal Aid NSW assisted a young boy, now aged 11, in proceedings for professional medical negligence against a cardiac specialist who was treating the young boy after birth. It was alleged the specialist failed to diagnose a cardiac abnormality until the boy was nine months old. Because of the late diagnosis, the boy was left with irreversible pulmonary hypertension requiring continuous oxygen therapy, and resulting in reduced life expectancy.

The case took many years to resolve due to its complexity. One aspect of the case created a precedent relating to the request for access to treating specialists by the defendant's legal representatives. After lengthy litigation, the matter was successfully settled.

Duty services in Local Courts

Private lawyers are an important part of the Duty Solicitor Scheme administered by Legal Aid NSW. The scheme coordinates the involvement of private lawyers in Local Court criminal duty matters. Duty lawyers service the majority of Local Courts throughout NSW, and appear for clients on their first appearance and for pleas of guilty, mentions and bail applications. The scheme provides a valuable service to the courts and owes its success to the support and cooperation of the private profession. Out of 167,193 duty services, just under half (67,418) were provided by private lawyers.

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.



Gerry Moore (left), Chief Executive Officer, Aboriginal Legal Service (NSW/ACT) and Alan Kirkland, CEO Legal Aid NSW sign a three-year agreement (page 34).

GOAL 2

WORKING WITH OUR PARTNERS

Key achievements

- Increased our services to people living in regional areas through partnerships with private lawyers and community legal centres
- Provided more services to Aboriginal people by working with the Aboriginal Legal Service
- Private lawyers provided 93,410 case and duty services
- Domestic violence program provided 44,233 services to 15,895 women

Develop our relationships with other organisations to improve access to justice

IN THIS SECTION

We provided more services in rural and regional areas through strong and evolving partnerships.

Key partners	26
Regional partnerships	27
Community programs	29
Partnerships with private lawyers	32
Aboriginal partnerships	34
Inter-agency networks	34

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.

LawAccess NSW

LawAccess NSW referred 24,658 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 Department of Justice and Attorney General, and partly funded by Legal Aid NSW. The main areas people sought help with in 2008–2009 were shared parenting arrangements, debt, traffic offences, property settlements and Apprehended Domestic Violence Orders.

NSW Legal Assistance Forum (NLAf)

NLAf established a working group to address the legal needs of prisoners (page 49).

This forum brings agencies responsible for legal service delivery together to work as members of targeted working groups, to improve legal services for disadvantaged people in NSW (page 52).

Aboriginal Legal Service (NSW/ACT)

Legal Aid NSW provided 8.1% of its case and inhouse duty services to Aboriginal people.

Legal Aid NSW and the Aboriginal Legal Service entered into a new Statement of Cooperation in December 2008 (page 34). The Aboriginal Legal Service was a member of our Aboriginal Justice Committee (page 147) which met four times this year.

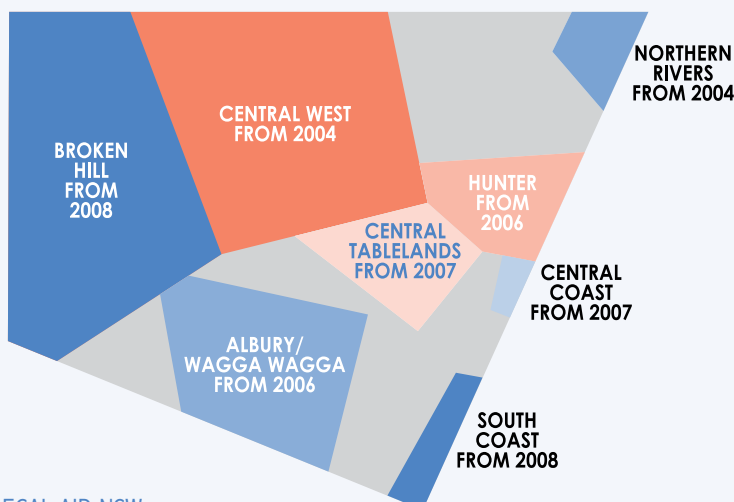
Cooperative Legal Service Delivery (CLSD) Program

The Program was extended to the Far West and South Coast regions of NSW, making a total of eight regional partnerships.

CLSD is a regionally based approach to legal service delivery. It develops partnerships between regionally based legal, community and government agencies by working on initiatives to increase access to legal assistance and services (page 27, 147).

This map shows the regions where the Cooperative Legal Service Delivery Program operates (page 27).

Cooperative Legal Service Delivery 2004-2009



Community Legal Centres

Community Legal Centres referred 4,725 clients to Legal Aid NSW and received 2,403 client referrals from Legal Aid NSW.

There are 35 Community Legal Centres whose funding is administered by Legal Aid NSW, complementing our own services (page 29, 130).

Women's Domestic Violence Court Advocacy Program

The Program delivered 44,233 services to women in NSW.

This Program works collaboratively with the NSW Police Force, Local Courts and legal, health, welfare and accommodation services in the community to provide an integrated response to domestic violence. A report on expanding services was completed (page 30, 131).

Private lawyers

Private lawyers provided 43.8% 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 24, 32, 142).

Law and Justice Foundation of NSW

An interim National Legal Needs Survey report was completed and an overview of the findings presented to the Board.

The final National Legal Needs Survey report will be available in 2011. Work continued on the Foundation's Data Digest Online project which will assist the public legal sector to improve planning and delivery of legal services in NSW.

Regional partnerships

Geographic isolation remains a real obstacle for people accessing legal services. By strengthening our partnerships, we have improved access for rural clients to our services.

REGIONAL SOLICITOR PROGRAM

The Regional Solicitor Program, run by Legal Aid NSW as a two-year pilot, commencing in 2007, addresses shortages of lawyers undertaking legal aid work in remote, rural and regional areas of NSW.

Private law firms receive salary subsidies and other incentives to employ an additional lawyer on the basis that the lawyer will undertake an agreed amount of legal aid work.

During the past two years, lawyers were placed in Batemans Bay, Bega, Moree, Tweed Heads/Murwillumbah, Taree, Broken Hill, Cowra, Young and Dubbo. As at June 2009, there were six firms still participating in the program.

An interim external evaluation was conducted in July 2008 and a final evaluation is scheduled to commence in late 2009.

The number of grants of legal aid increased by 19% in regional areas.

The interim evaluation showed that a significant amount of legal aid work has been undertaken in the selected areas as a result of the program. The number of grants of legal aid increased by 19% from the previous year, showing the program has had a positive impact on firms and clients.

In 2008–2009 Legal Aid NSW received funding under the Commonwealth Regional Innovations Program in Legal Services to expand the Regional Solicitor Program to four more areas in NSW.

The year ahead

Expand the Program to the Far South West of NSW, the Central Tablelands, the New England Region and the Southern Riverina area. This expansion will provide increased access to legal aid services for communities in Wentworth, Balranald, Dareton, Buronga, Gol Gol, Bathurst, Lithgow, Orange, Oberon, Blayney, Tamworth and Albury.

Key challenge

Providing greater incentives, such as more training and professional development, for participating firms and lawyers.

REGIONAL COALITIONS

The Cooperative Legal Service Delivery (CLSD) Program consists of partnerships between public legal sector and community agencies.

These include regional Legal Aid NSW offices; community legal centres; the Aboriginal Legal Service; Local Courts; tenancy, domestic violence and financial counselling services; neighbourhood and community centres; pro bono lawyers; and government departments.

The partners work collaboratively on joint agency training, workshops, community legal education and coordinated outreach initiatives that respond to locally identified, emerging and unmet legal needs.

While CLSD partnerships operate on a local level, the CLSD Program Unit is increasingly working with our justice sector partners on cross-sector systemic justice sector issues.

These partners include the NSW Legal Assistance Forum, the Law and Justice Foundation of NSW, Community Legal Centres NSW, LawAccess NSW and pro bono providers.

This year, using empirical evidence from regional CLSD partners, the program contributed to submissions on Parliamentary inquiries into homelessness, the effect of the global financial crisis on regional communities and reforms to consumer laws.

The program's contribution to improving outcomes for disadvantaged communities under State Plan priorities was recognised by the receipt of a Commended Award in the 2008 NSW Premier's Public Sector Awards.

Major achievements

The program now includes the Far West and South Coast regions of NSW, bringing the total number of partnerships to eight. The map on page 26 shows all the regions that are now covered by this program.

The Hunter CLSD established a free weekly legal advice clinic for disadvantaged people in Taree. Given the high demand for the service, partners have agreed to continue the clinic for another 12 months.

Central West, Far West and Albury/Wagga Wagga CLSD partnerships supported Legal Aid NSW inhouse lawyers to conduct targeted outreach to remote parts of NSW to get registrations for Stolen Wages before the 31 May deadline (page 12).

The South Coast CLSD commenced a series of “Fines Day” workshops to help people experiencing financial hardship. Other CLSD regions are planning similar workshops for 2009–2010.

Hunter and Albury/Wagga Wagga CLSD partnerships have supported Mortgage/Financial Stress Forums in their regions (page 15). Other CLSD partnerships are also planning similar forums in the next 12 months.

Central West CLSD teamed up with Western NSW Community Legal Centre for consultations with Aboriginal elders and others in Bourke and Brewarrina to discuss issues of concern around young people and policing.

The year ahead

Determine suitable regions for further roll out and consolidate the current regions.

Convene a statewide workshop for CLSD coordinators to focus on strategic planning, shared resources, and better cross-agency training.

Key projects will be:

- legal information forums in regional areas for community workers and non-lawyers;
- training on fines matters, including work and development orders in regional areas;
- new best practice guidelines for developing and delivering outreach services in regional areas with assistance from the Law and Justice Foundation of NSW; and
- discrimination workshops for community workers working with Aboriginal people in the Northern Rivers region.

Key challenge

One of the main challenges for regional legal service providers is how to deliver quality services to remote locations where there is high socio-economic disadvantage, high unmet legal need and few permanent on-the-ground services. CLSD will collaborate with our justice sector partners to gather empirical evidence on unmet and emerging needs and develop initiatives to meet those needs.

RURAL AND REGIONAL OUTREACH PROGRAMS

Recognising the needs of people who live long distances from a Legal Aid NSW office, our lawyers conduct regular outreach visits throughout the State, providing legal advice and assistance.

Most Legal Aid NSW offices undertake outreach work with partner agencies and non-legal agencies.

An outreach visit usually consists of a free legal advice clinic, minor assistance, a community legal education session and an information stall. Some outreach is in metropolitan areas but mostly the focus is on rural and regional areas.

Major achievements

We increased our outreach clinics for priority client groups to 10 locations for Aboriginal communities and 10 locations for homeless people after implementing recommendations from last year’s review of outreach services (page 12, 14).

Lismore family lawyers expanded their already wide outreach activities to include new advice clinics in Grafton, Yamba and Maclean.

Our Child Support Service expanded its extensive community outreach program to Batemans Bay and the Wollongong area.

In August 2008, 24 legal advice sessions on fines in West Kempsey resulted in 14 people getting back their drivers licences and 10 entering time to pay arrangements.

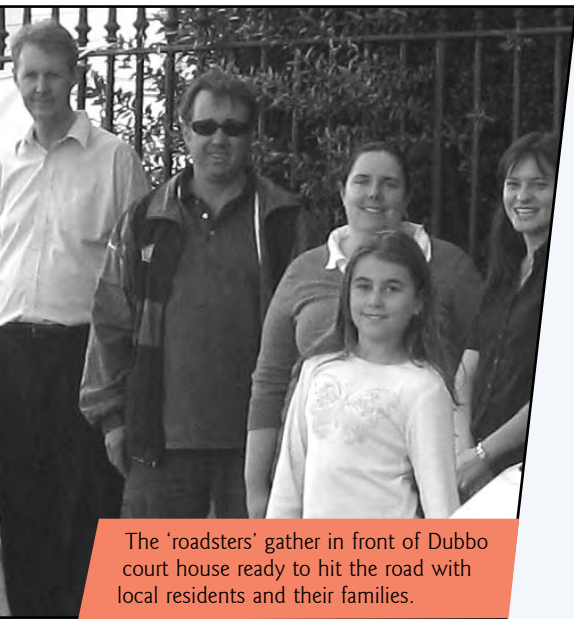
As Moree and neighbouring areas have a high demand for free legal services, we conducted three outreach visits this year and strengthened our relationship with local service providers. The last visit was extended by several days to accommodate the demand for Stolen Wages advice among surrounding Aboriginal communities.

The year ahead

Launch the Regional Outreach Clinic Program, a partnership between local legal service providers and Legal Aid NSW, opening advice clinics in Moree and Brewarrina in the north west of NSW; Macksville and Bowraville on the mid north coast; Wentworth and Dareton in the far south west; and Lithgow in the central tablelands. Clinics will also be conducted on family and civil law matters in prisons near some of these locations.



Community programs



The 'roadsters' gather in front of Dubbo court house ready to hit the road with local residents and their families.

North West NSW Road Show

In the 2007 report, *Dropping off the edge: Mapping the distribution of disadvantage in Australia, Brewarrina, Walgett and Bourke were listed as areas of NSW experiencing severe disadvantage.**

During Law Week 2009, Legal Aid NSW visited these towns, teaming up with LawAccess NSW, Western NSW Community Legal Centre, Victims Services Bureau, The Aged-care Rights Service, Tenancy Advice and Rights Service and Family Violence Prevention Services. The mobile legal service offered talks for seniors, open days at court houses, films for young people and assistance with Stolen Wages claims.

*Professor Tony Vinson, University of Sydney

COMMUNITY LEGAL CENTRES FUNDING PROGRAM

Legal Aid NSW administers State and Commonwealth funding for 35 Community Legal Centres (CLCs) throughout NSW through the Community Legal Centres Funding Program (CLC Program).

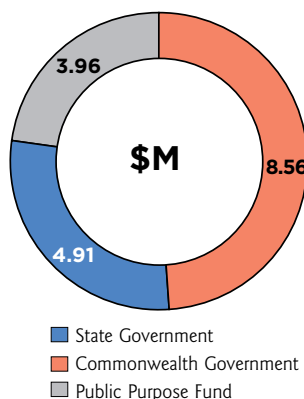
CLCs are independent, non-profit organisations with most being managed by an independent board or committee. The Community Legal Centres Board Sub-Committee advises the Legal Aid NSW Board about CLCs. See page 146 for details. CLCs provide a range of free legal services to address the specific needs of disadvantaged sectors of the community.

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

Funding in 2008-2009

Total: \$17,428,031

COMMUNITY LEGAL CENTRES FUNDING PROGRAM



For details see page 130.

In July 2008, the Public Purpose Fund provided an additional \$1,321,000 per annum to 15 CLCs. This includes three CLCs new to the NSW CLC Program: Intellectual Disability Rights Service, the Refugee Advice and Casework Service and the Albury Wodonga Community Legal Service. The Commonwealth Attorney-General has provided NSW CLCs with additional one-off funding of \$3,212,321 in two stages: \$2,202,231 paid to CLCs in July 2008 and \$1,010,000 paid to CLCs in June 2009. This additional funding has enabled CLCs to offer salary improvements, which has assisted with recruiting and retaining staff.

Major achievements

More services

Community legal centres continued to maintain service delivery levels to the community in 2008-2009. New cases opened increased by 9%, cases involving dispute resolution increased by 94%, and community legal education increased by 31%. The significant increases are reflective of CLCs working closely with Legal Aid NSW and other community service providers.

Joint projects

In partnership with CLCs, Legal Aid NSW held a number of community forums for unemployed people, newly arrived migrants, and people having difficulty with mortgages (page 15) or suffering flood damage.

Advocates in Tenants Advice and Advocacy Services were given advanced training so they are better equipped to assist their clients.

Legal Aid NSW and the Consumer Credit Legal Centre



Community legal centres provided legal services to 39,223 clients.

(CCLC) established a joint Mortgage Stress Legal Support Program for people taking action to solve their mortgage problems (page 15).

CCLC manages the Pilot Insurance Service Project as part of the National Insurance Information and Advice Project (NIIAP). The centre provides a National Insurance Hotline advice service, funded by Legal Aid NSW to develop education materials for consumers, conduct strategic casework and participate in policy and law reform initiatives. A review of this project found it met or exceeded all its objectives. The Commonwealth provided \$200,000 in 2008-2009 to enable this project to continue into 2009-2010.

Radio

North and North West Community Legal Service Inc. hosts an hour long, weekly radio program, *Law Matters*, on the Community Radio Station, 2ARM 92.1FM. A recent program discussed aspects of constitutional law. Other topics have included human rights consultation, aspects of family law, tenancy issues, aged-care rights, credit and debt matters, civil claims and road and traffic offences. The station broadcasts to a potential audience of some 30,000 people.

The year ahead

Improve services for priority client groups in collaboration with partner organisations.

Develop new Strategic Plans for service delivery in the next triennium.

Develop a performance framework as part of the new three-year Service Agreement being negotiated by the Commonwealth, State and CLC peak bodies.

Develop a workable model for funding interpreter services in community legal centres.

Key challenge

Most CLCs in NSW pay salaries linked to the Social and Community Services Employees (State) Award. The Australian Services Union is undertaking a campaign over the next three years for pay rates that reflect the value and complexity of work and that will close the gap between public and community sector wage rates. This campaign could result in significant wage increases (as happened in Queensland) with significant salary cost increases.

WOMEN'S DOMESTIC VIOLENCE COURT ADVOCACY PROGRAM

In 2008-2009, Legal Aid NSW administered NSW Government funding for 33 Women's Domestic Violence Court Advocacy Services (WDVCASs) providing services in 72 Local Courts around New South Wales.

These services help women and children experiencing domestic violence to obtain effective legal protection from NSW Local Courts through applications for Apprehended Domestic Violence Orders (ADVOs). They provide information, assistance, referral and court advocacy services to their clients.

A committee with representatives from a cross-section of agencies advises the Legal Aid NSW Board about the program's activities. See page 147 for details.

Funding in 2008-2009

Total: \$4,300,390

Funding is provided to incorporated, not for profit non-government service provider organisations through a triennial Service Agreement with Legal Aid NSW.

Details of grant allocations are on page 131.

Major achievements

Service increase

During 2008-2009, services were expanded to an additional 10 Local Courts- Narooma, Cobar, Nyngan, Narromine, Warren, Boggabilla, Mungindi, Narrandera, Picton and Gilgandra. WDVCSs across NSW delivered 44,233 services to 15,895 women.

The program provided 44,233 services, a 4.9% increase on last year.

Review recommendations

A review of the Women's Domestic Violence Court Advocacy Program (WDVCAP) was completed. Recommendations include developing a new service agreement between Legal Aid NSW and the WDVCSs for 2009-2012, a new funding formula for allocating funding to Services and an evaluation of all WDVCS positions, resulting in an increase in award gradings.

Expansion

From 1 July 2009, the structure and coverage of WDVCAP services will change as a result of a funding increase of \$2.7M from the NSW Government. The WDVCAP Advisory Committee advised Legal Aid NSW on the best way to allocate this funding increase.

In February 2009, the WDVCAP Advisory Committee finalised a draft expansion proposal in consultation with existing WDVCS service providers. The final expansion proposal was approved in March 2009 and resulted in the establishment of 28 new WDVCSs. The selection of service providers began in April 2009 and in early May appointments were made in relation to 27 out of 28 WDVCSs.

The year ahead

Increase the number of courts serviced from 72 to 108 and establish outreach offices in services covering large geographical areas.

Increase capacity to respond to the needs of Aboriginal and culturally and linguistically diverse (CALD) clients by creating a number of specialist Aboriginal and CALD worker positions.

Build the capacity of the new services to provide clients with effective access to legal services.

Enhance partnerships with other legal service providers to improve outcomes for victims of domestic violence in the justice system, especially clients with multiple needs.

Key challenge

The number of courts serviced has risen from 72 to 108. Our challenge will be to maintain high quality, consistent services across this broader range of Local Courts.

Bev Lazarou and Louise Blazejowska launch new resources on White Ribbon Day, hoping to send an affirmative message to women experiencing domestic violence.



Photo: Dani Pontes

Partnerships with private lawyers

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

The Grants Division makes decisions on the granting of legal aid and allocates matters to inhouse and private lawyers. In 2008–2009, private lawyers provided 43.8% of all legally aided case and duty services. This year the Division received 36,151 applications for legal aid, comprising:

- 14,768 applications for legal aid in criminal law
- 20,067 applications for legal aid in family law
- 1,316 applications for legal aid in civil law

Grants Division staff also administered funding for 68,063 duty appearances conducted by private lawyers at courts in NSW.

Supporting our partners

In recognition of the assistance private lawyers provide to legal aid clients and to Legal Aid NSW, we reviewed the fee structure for private lawyers—a process that will continue throughout 2009–2010.

Staff attended regional Law Society and Bar Association meetings to provide information and training to members on the new Grants Online system and changes to grants policies and guidelines, and to receive feedback from lawyers on the services we provide to them.

We ran presentations on changes to mental health procedures to increase the level of understanding of people suffering a mental illness and to better prepare private lawyers to address the needs of people with a mental illness.

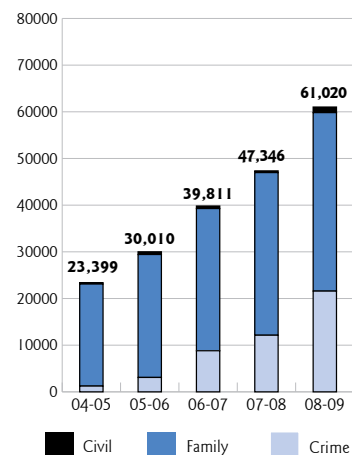
Legal Aid NSW provided private lawyers with two new resources: *The Mental Health Practice and Procedure Manual* and the *Advocates Practice Kit*. These plain English resources provide a step-by-step guide to mental health advocacy in a web-friendly format, which makes them accessible to our partners.

Electronic lodgement

Since the advent of our new grants management system, ATLAS (page 42), electronic lodgement of applications is now available in all areas of law. Through the Grants Online facility introduced with ATLAS, the new system supports an enhanced e-business environment between Legal Aid NSW, private lawyers and applicants for legal aid. This includes full electronic lodgement of applications and claims, and electronic communication between Legal Aid NSW, private lawyers and clients. It also gives private lawyers online access to additional information about legally aided matters and the ability to accept offers of work online. By managing information on practitioner panels, ATLAS allows us to allocate work to private lawyers in a fair and reasonable manner, and to quickly find private lawyers to assist unrepresented clients, particularly in rural and remote areas.

A training program has been implemented for Grants staff and private lawyers to familiarise them with the new system. Specific training for solicitors, barristers and their staff was provided from April to June 2009 in Sydney and regional areas.

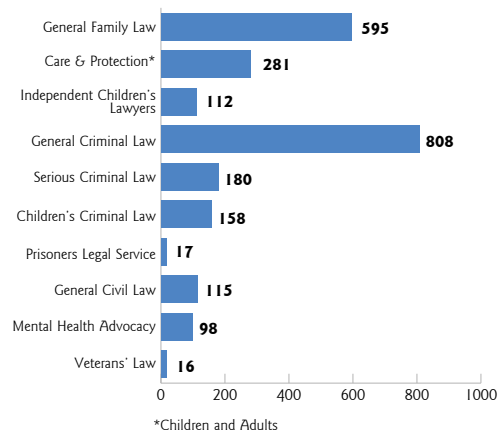
LEGAL AID REQUESTS LODGED ONLINE 5 YEAR TREND



Panels

All private lawyers undertaking legal aid work must be appointed to a panel unless there are exceptional circumstances. 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 have been implemented across all law areas. On appointment to a panel, lawyers sign a service agreement and agree to comply with practice standards and audit arrangements. They are then able to undertake legal aid work in the areas of law covered by the respective panel.

LAWYERS ON PANELS 2008–2009



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 2008–2009, existing 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.

Five new panels were established during the year, bringing the number of panels to 10.

In March 2009, two new criminal law panels were established. The General Criminal Law Panel became the largest panel to be implemented by Legal Aid NSW. A total of 808 lawyers in metropolitan and regional NSW have been appointed to this panel. A total of 180 lawyers have been appointed to the second panel – the Serious Criminal Law Panel.

There are 2,380 private lawyers doing legal aid work on 10 panels.

Three new panels were implemented in the areas of General Civil Law, Mental Health Advocacy and Prisoners Legal Service. The Children’s Criminal Law Panel was also renewed in May 2009.

Mark Castle, Leanne Spiteri and Glenn Sofinowski helped administer the growth of private lawyer panels in a record year.

File review and audits

The Legal Aid NSW Panel Practitioner Audit Strategy was developed to assist in the effective targeting of limited audit resources according to risk assessment principles. The strategy addresses both monetary and service provision risk factors. It allows a series of checks and balances to be performed against the various Panel Practice Standards and Service Agreements as well as Legal Aid NSW policies and guidelines.

The audit function of the Professional Practices Branch was reduced during the year as staff assisted with testing and implementing our new grants management system (ATLAS), and with the rollout of five additional panels.

During the year high priority audits were conducted in the family law, children’s crime and care and protection jurisdictions. In addition, 13 duty lawyers on the General Crime Panel participated in an audit.

Now that we have more panels and new case and grants management systems, Legal Aid NSW will strengthen its focus on audits and reviews.

As a result of a stringent audit process, two lawyers with repeated and serious breaches were not re-appointed to their panels. One matter was referred to the Office of the Legal Services Commissioner. The lawyer’s practising certificate was cancelled following disciplinary action



under the *Legal Profession Act 2004* in the Administrative Decisions Tribunal. The other lawyer failed to meet Panel Practice Standards.

A total of 197 lawyers have been audited since the strategy was introduced in 2005.

The year ahead

Make improvements to support the new grants management system and provide ongoing training and support to staff and private lawyers using the system.

Extend our Learning Management System to private lawyers.

Update *Mental Health Links for Lawyers* – a central online information source of mental health services in NSW.

Establish a new panel for the Domestic Violence Solicitors Scheme.

Audit private lawyers on the Family Law and Care and Protection Panels and the newly formed General and Serious Criminal Law Panels.

Key challenge

One of the lessons learned in our system changeover was that the initial level of support we provided to private lawyers was not sufficient. This has been addressed in various ways including an ongoing training program and the production of an online ‘video tour’ of the Grants Online system.

We will need to monitor this carefully in 2009–2010.

Aboriginal partnerships

On 5 December 2008 Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) entered into a new Statement of Cooperation.

The statement will guide the joint delivery of legal services to Aboriginal people for the next three years. It also ensures that training opportunities provided by Legal Aid NSW are available to Aboriginal Legal Service staff and that the two agencies work together on law reform submissions.

Major achievements

Group approach

The NSW Legal Assistance Forum Working Group on Aboriginal Clients, which is chaired by Legal Aid NSW, arranged for Aboriginal community members and service providers in the northern rivers to take part in the Public Interest Advocacy Centre's successful *Law for Non-Lawyers* training, the first time this course has been tailored to meet the legal needs of Aboriginal communities in regional areas. The Group's recommendation for a series of targeted community legal education sessions has been incorporated into the Legal Aid NSW Community Legal Education Strategic Plan 2009-2011 and also conforms with our Corporate Plan 2009-2011 and the Aboriginal Services, Employment and Partnerships Plan 2009-2011. To support the education program, we developed new publications for Aboriginal clients, including Aboriginal women and Aboriginal grandparents.

Key partners including the NSW Department of Aboriginal Affairs attended our Aboriginal Services Planning Day on 29 May 2009. The day was an opportunity to establish new initiatives and plan a coordinated approach to Aboriginal service delivery. The Aboriginal Legal Service and the Aboriginal Programs Unit of the NSW Attorney General's Department were invaluable contributors to our Aboriginal Justice Committee.

Legal services

Legal Aid NSW funded the Aboriginal Legal Service to employ three care and protection lawyers in Wagga Wagga, Grafton and Armidale. In addition, we jointly funded with ACT Legal Aid, an ALS lawyer to service the ACT and the NSW south coast areas. Partial funding was also provided for a criminal lawyer based at the Aboriginal Legal Service at Griffith.

Our lawyers advised and represented Aboriginal people at criminal courts when the Aboriginal Legal Service was unable to, including weekend bail courts. They also advised Aboriginal children in custody at juvenile detention centres and through the youth hotline. We also participated in circle sentencing at courts, acting on behalf of legally aided clients.

The year ahead

Build strong partnerships between Legal Aid NSW and Aboriginal communities, organisations and service providers based on strategies in our new plans.

Provide a training program to Aboriginal Legal Service care and protection lawyers.

Inter-agency networks

Legal Aid NSW took part in many inter-agency initiatives and worked closely with other agencies to improve access to justice (page 149). Initiatives included:

- the Trial Efficiency Working Group examining inefficiencies in criminal trials. The Working Group was chaired by the Chief Judge at Common Law, Justice McClellan and included judges from the Supreme Court and District Court, senior representatives from the Office of the NSW Director of Public Prosecutions, Commonwealth Director of Public Prosecutions, Bar Association, Law Society of NSW, NSW Attorney General's Department, Legal Aid NSW and the Aboriginal Legal Service. The group made a number of recommendations to improve the way matters are managed in the District and Supreme Courts;
- the Sentencing Council review of the effectiveness of fines as a sentencing option, and the penalty notice system, which has led to legislative change;
- the legislative model of Criminal Case Conferencing, which has been extended until 30 June 2010 for further evaluation;
- collaboration with Hunter Community Legal Centre to improve services for self-represented litigants in the Newcastle area by developing referral protocols between the two agencies; and
- the planning for later life forum with the Council on the Ageing (NSW), City of Sydney, Older Persons Law National Network and others, raising awareness of older people's legal needs.

The year ahead

Continue to expand and strengthen partnerships with non-legal services.

Work with community legal centres to ensure that innovative legal services are made available to family relationship centres across NSW.

Staff graduates of the 2008-2009 Diploma of Business (Frontline) Management with the CEO and UTS representatives.



GOAL 3

BUILDING ORGANISATIONAL CAPABILITY

Key achievements

- Offered eight positions to Aboriginal students, cadets and law graduates
- Introduced e-Learning to further facilitate staff educational needs
- Launched new case and grants management systems

Pursue continuous improvement across the organisation

IN THIS SECTION

Staff played a key role in the largest system changeover ever.

Staff numbers	36
Learning.....	36
Equal employment opportunity	38
Personal achievements	39
Employing Aboriginal people	39
Occupational health and safety	40
Policy and review	41
Employee relations	41
System changeover.....	42
Continuous improvement	43
Technology	44
Environmental footprint.....	45

People

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

Legal Aid NSW worked towards providing a stimulating 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 the 45 new permanent appointments, 23 were in regional offices.

Staff numbers

As at 30 June 2009, Legal Aid NSW employed 912 staff in the equivalent of 824.34 full-time positions with 403 positions (358 full-time equivalent) located in regional offices and the balance in the Central Sydney office.

No staff were employed by the Legal Aid Commission Temporary Staff Division.

LEARNING

Legal Aid NSW aims to be a professionally and personally rewarding place to work. This year saw us review and re-examine the opportunities we provide to staff.

There were 4,978 attendances at training activities (including seminars and conferences) with 1,817 external attendees.

While there was a drop in the number of staff who attended training, this year saw a 37% increase in the number of people from external partner organisations making use of our learning and development opportunities.

See pages 133–134 for details about our diverse range of training programs, conferences and attendance numbers.

Major achievements

New approach to learning

Our new Learning Management System (LMS) went live on 1 January 2009. The new system is an online training and booking portal called Learning@LegalAidNSW.

Staff now have easy access to training and development activities anytime-anywhere.

The LMS not only provides an administrative system for managing registrations for training sessions, legal seminars and conferences but offers a growing library of online courses including video lectures, podcasts (audio), lecture notes, powerpoint presentations and reference materials in addition to web conferencing options.

As at 30 June 2009 there were 1,103 users registered on the system which has recorded 1,513 course registrations in its first six months of operation (includes staff and external users).

Online induction modules

Our corporate induction program was streamlined from two days to one achieving savings and convenience to staff. New staff

STAFF NUMBERS 5 YEAR TREND

Year	FTE* figures** financial year end	Actual staff number financial year end
2008-09	824.34	912
2007-08	784.77	852
2006-07	742.31	805
2005-06	709.54	767
2004-05	675.86	730

*FTE: full time equivalent

** See page 135 for more details.

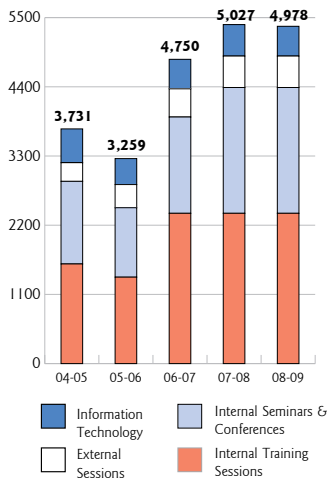
STAFF MOVEMENTS* 2 YEAR TREND

Staff movements	2007-08	2008-09
New permanent staff	85	45
Staff departures	37	56
Promotions	51	24

*This information is only available for the last two years.

can now log onto the LMS and complete a number of e-Learning modules with key information, such as the Code of Conduct and occupational health and safety responsibilities and procedures.

**COURSE ATTENDANCES
5 YEAR TREND**



Aboriginal cultural awareness

In December 2008 a new two-day Advanced Aboriginal Cultural Awareness training program was launched by our Aboriginal Services Unit. Developed and delivered by consultant Cherie Buchert, it has been run nine times with a total of 145 participants – 125 staff and 20 people from partner legal service delivery agencies.

Training was held in regional areas – Dubbo, Newcastle, Lismore and Nowra whilst metropolitan training took place in Penrith, Glebe, Parramatta and Haymarket. Where possible, workshops were held at Aboriginal community-owned venues allowing participants to be fully immersed in an Aboriginal cultural experience and also helping support local Aboriginal community-owned businesses.

The overwhelming majority of participants reported feeling more confident in the workplace.

Director Aboriginal Services, Scott Hawkins, hopes the results of the training will encourage more Aboriginal people to use Legal Aid NSW services, and make sure that more Aboriginal people are involved in decisions about what Legal Aid NSW does.

Making better managers

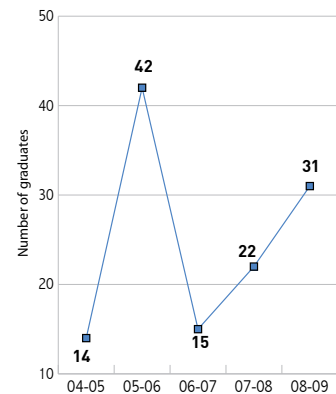
Management training at Legal Aid NSW was reviewed in 2009 to bring it into line with changes to the Business Services Training Package. Changes to National Competency Standards led to the *Diploma of Business (Frontline Management)* course concluding in March. The same month a new program, the nationally accredited *Diploma of Management*, began with

16 participants including two managers from community legal centres and one from the Aboriginal Legal Service.

The new Diploma course requires only one day of attendance per month over a nine-month period, resulting in considerable savings for Legal Aid NSW.

Thirty one graduates accepted their *Diploma of Business (Frontline Management)* at the University of Technology Sydney on 12 March 2009. Since its inception in 2003, 138 of the 165 staff who have commenced the *Diploma of Business (Frontline Management)* have graduated.

**TOTAL GRADUATES
DIPLOMA OF BUSINESS
5 YEAR TREND**



Executive development

Each year since its inception, Legal Aid NSW has been successful in securing places in the Department

of Premier and Cabinet-sponsored Executive Development Courses. This year Norman O'Dowd completed the Graduate Diploma of Public Administration at University of Sydney's

Staff from across Legal Aid NSW will improve their skills by taking part in the new Diploma of Management Program.



Graduate School of Government and will continue on to the Masters of Public Administration, sponsored by Legal Aid NSW.

Alex Grosart, David Lunn and Anne Corbett completed the Graduate Diploma of Public Administration and graduated in August 2008. Sarah Burke graduated with a Masters of Public Administration at the same ceremony. Annmarie Lumsden is expected to complete the Executive Masters in Public Administration later this year.

Skilling up

Twelve family dispute resolution mediators received successful accreditation in new National Standards.

A seminar on changes to the laws in relation to de facto relationships took place in March 2009 at the Central Sydney office. It was broadcast live to Legal Aid NSW regional offices via webcam and is available in podcast and video format for lawyers to view throughout the year.

Cross-cultural awareness and using interpreters was run five times with 43 participants. Budget restrictions delayed sessions planned for a number of the more remote regional offices. The program has received excellent reviews with 100% of participants stating they are more aware of Legal Aid NSW policies and more confident in their ability to communicate with clients from culturally and linguistically diverse backgrounds.

Client-focussed training

Staff attended training and conferences to improve their understanding of the range of legal problems faced by some of our most disadvantaged clients.

Aboriginal people

Along with Aboriginal cultural awareness training (page 37), nine staff attended a Stolen Wages seminar in September 2008.

Subsequent sessions run with Aboriginal prisoners resulted in around 700 prisoners receiving legal education on Stolen Wages (page 49).

Older people

The law of Wills and Estates underwent significant change in NSW as part of the overall push for uniform succession laws throughout Australia. Legal Aid NSW and community legal centre lawyers received training on the first two branches of this legislation to be introduced – the *Succession Act 2006* and the *Succession Amendment (Family Provision) Act 2008*.

Homeless people

The Civil Law Conference in November 2008 was opened by the Hon Tanya Plibersek MP, the federal Minister for Housing.

People with a mental illness

The popular *Demystifying Mental Illness* was run three times with 33 participants, while *Dual Diagnosis and Substance Dependence—a Guide for Lawyers* (sponsored by the Commonwealth Department of Health and Aging Illicit Drug Diversion Initiative), was attended by 123 lawyers and offered in four different locations.

Domestic violence

Legal Aid NSW ran core training for workers in the funded Women's Domestic Violence Court Advocacy Program (WDVCAP) four times this year with a total attendance of 107 workers. Participation in WDVCAP coordinator training in governance and child protection reached 51 this year.

The year ahead

Review major policies around learning and development opportunities at Legal Aid NSW.

Extend our Learning Management System to private lawyers and staff from other agencies from late 2009.

Strengthen our organisational capacity by further developing the skills and talents of our staff through training initiatives such as:

- introducing disability awareness training, and new programs in domestic violence awareness and related laws; and
- more training about the needs of special client groups, such as homeless people and people dealing with a mental illness or drug problem.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Key initiatives this year included:

- Aboriginal cultural awareness training to enable staff to understand and better relate to Aboriginal colleagues, as well as clients (page 37);
- the second phase of the Aboriginal Employment and Career Development Strategy, increasing the proportion of full-time equivalent staff who are Aboriginal to 3.6%; this was short of the target of 4% due to difficulties in recruiting to some positions that were identified as Aboriginal-specific; and
- developing the Disability Action Plan (page 21).

Trends in the representation and distribution of EEO groups can be viewed on page 136.

The year ahead

Provide Aboriginal cultural awareness training to more staff to create an environment that is sensitive to the cultural needs of both Aboriginal clients and employees.

Increase our Aboriginal workforce from 3.6% to 4.5% by June 2010.

Key challenge

Successfully retaining Aboriginal staff is critical if we are to achieve our goal of becoming a preferred employer for Aboriginal people.

We need to improve the way we identify positions that are suitable for Aboriginal recruitment and improve career pathways for Aboriginal staff who enter Legal Aid NSW through administrative roles.

PERSONAL ACHIEVEMENTS

Staff achievement award

Human Resources invited nominations for the inaugural Excellence Awards, giving staff an opportunity to recognise exceptional effort and outstanding performance by their colleagues.

In December 2008, Rod Witt from the Finance Branch became the first employee to receive this award. Rod played a critical role in helping to implement the new ATLAS system (page 42).

Advocacy award

Each year staff nominate colleagues for achieving good results in tough and challenging cases. This year the award went to Lurline Dillon-Smith in our Lismore office for helping an Aboriginal woman in her 28-year pursuit of justice. Lurline is the senior civil lawyer at Lismore. Her community legal education work has gained her the respect of Aboriginal Elders and she is highly regarded by clients and workers.

Business award

Our Gosford office won the 2008 Youth Connections Vocational Education and Training Award for Business Services Employer of the Year. The award recognises employers who support, mentor and train young people moving from school to the workforce. The office was nominated by HSC students who undertook work placements at the office and their teachers.

New Federal Magistrate

After 20 years of illustrious service to Legal Aid NSW, Director Family Law, Judith Walker, was appointed a Federal Magistrate in September 2008.

Judith was a champion for socially and economically disadvantaged people in the area of family law. She played a large role in national law reform and in developing the role of Independent Children's Lawyers across Australia.

Law Week award

Community Legal Education Coordinator, Kirsten Cameron was awarded the Law Week Community Services Award for her outstanding contribution to the 2009 Law week Program in NSW. Kirsten helped organise the successful travelling legal service, visiting disadvantaged areas in North West NSW (page 29).

Employing Aboriginal people

We offered eight positions to young Aboriginal students, cadets and law graduates.

The Aboriginal Employment and Career Development Strategy 2007-2009 was implemented to increase the number of Aboriginal people who work at Legal Aid NSW, and to ensure they are supported and encouraged to develop their careers within Legal Aid NSW once employed. Strategies to recruit Aboriginal people to Legal Aid included:

- establishing Aboriginal-identified positions for recruitment across all areas of Legal Aid NSW. Under the Strategy, Legal Aid NSW identified 20 positions for Aboriginal specific recruitment; and
- ~~Patricia, the Legal Cadet, Bob, the~~ including two cadetships for undergraduate law students, two placements on the Professional Legal Placement program, two places on the Career Development Program and two scholarships for year 11 and 12 students to help them complete their Higher School Certificate with the possibility of going on to tertiary studies. All these positions were occupied this year.

Professional support and development was provided to all Aboriginal staff through an Aboriginal Staff Network that convened twice this year and an Aboriginal Mentoring Program that saw 11 Aboriginal staff members matched with 11 experienced senior Legal Aid NSW staff members.



Student Skye Cross, with cadets Kirsten Cheatham and Carrie Nicole.

OCCUPATIONAL HEALTH AND SAFETY (OH&S)

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

This year, we ensured staff had better access to OH&S related information on the intranet via the new Learning Management System.

Our Stay Healthy Program initiatives included:

- *Managing psychological injury* training, to ensure that all managers are provided with the tools to identify causes of psychological injury and how to deal with it;
- free flu vaccinations for staff;
- *Defensive Driving Skills* courses; and
- Stay Healthy tips on the intranet.

Recommendations from the OH&S Audit were implemented to improve OH&S systems in Legal Aid NSW, including:

- developing Risk Assessment Guidelines for offsite locations;
- a new Incident Reporting procedure; and
- developing OH&S performance evaluation and reporting processes.

We conducted a staff health survey from late June 2009. The survey will guide us in implementing activities that encourage staff to make positive changes to their health and wellbeing.

Workers compensation

Of the 35 workers compensation claims lodged in the 2008–2009 reporting period, three of the injuries occurred in the 2006–2007 reporting period and two injuries occurred in the 2007–2008 reporting period. Figures and costs incurred by these five claims have been included in the 2008–2009 figures.

Of the total 35 claims lodged, 29 claims were accepted, one claim was withdrawn, two claims were declined, three claims were initially accepted, but declined following pre-liability investigation.

The cost incurred to 30 June 2009 of new claims reported in 2008–2009 was \$155,074 compared to \$111,126 in 2007–2008, an increase of \$43,948.

The number of accepted claims (includes claims accepted under provisional liability), increased from 21 in 2007–2008 to 29 in 2008–2009.

Costs incurred by these claims amounted to approximately \$82,323 or 53.08 % of the total cost of claims for 2008–2009.

Of the accepted claims in this reporting period, there were eight fall/slip and nine body stress (e.g. Repetitive Strain Injury) claims, amounting to \$56,839 in 2008–2009 or 36.65% of the total cost of claims.

The number of full time equivalent (FTE) staff for this financial year is 824.34, an increase of 39.57 from 784.77 in 2007–2008. This equates to an average claim cost of \$188.12 per staff member, compared to \$141.60 per staff member in 2007–2008.

There was a significant increase in psychological claims in this reporting period, from one in the 2007–2008 reporting period to eight in the 2008–2009 reporting period. Of the eight claims, three claims were accepted, two claims were declined, three claims were initially accepted,

WORKERS COMPENSATION CLAIMS

Type of claims	No of claims for 2007–2008	No of claims for 2008–2009
Workplace	8	16
On duty (not at office)	6	5
Journey	9	12
Recesses–lunchtime & authorised breaks	2	2
Total claims accepted	21	29
Claims declined	1	5
Claims withdrawn	3	1

WORK RELATED INCIDENTS

Type of claims	No of claims for 2007–2008	No of claims for 2008–2009
Workplace	7	10
On duty (not at office)	7	5
Journey	5	5
Recesses–lunchtime & authorised breaks	5	5
Total	24	25

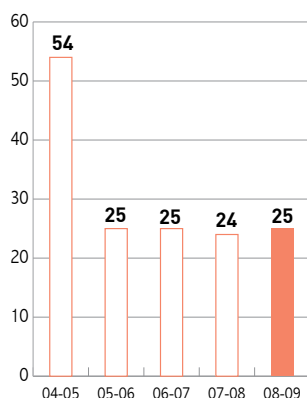
but declined following pre-liability investigation. Six of the eight claims lodged were due to alleged harassment, bullying and intimidation. All of these claims were investigated and two were accepted. The two accepted claims were for the same employee and comprehensive action has been taken to address the issues identified as the cause.

While some indicators of workplace injury increased, given the relatively small size of Legal Aid NSW, a small number of injuries can sometimes distort annual data. We will carefully monitor trends in 2009-2010.

Work related incidents

The total number of reported 'Incident Only' reports has increased slightly from 24 in 2007-2008 to 25 in 2008-2009.

TOTAL STAFF INJURIES/ ACCIDENTS 5 YEAR TREND



The year ahead

Respond to the results of the Staff Health Survey.

Identify issues of concern before they can result in injuries/incidents and claims.

Key challenges

Prioritising the results of the Staff Health Survey, dealing with high risk and organisation-wide health issues first.

Supporting staff who undertake challenging and stressful work will be a priority.

POLICY AND REVIEW

Employee related policies

The following policies and guidelines were updated and reviewed for currency and best practice: Working From Home, Gifts and Benefits, Performance Planning and Development, Sick Leave, Higher Duties Allowance and Family Leave Policy.

We also responded to changes in the employment legislation for the public sector, the *Public Sector Employment and Management Act 2002* and to the public sector conditions of service award. As a result, changes had to be made to operating policy and practice across a number of Human Resources functions but particularly in Workforce Management and Payroll.

Code of Conduct

Our Code of Conduct was modified during 2008-2009 to incorporate the NSW Lobbyists' Code of Conduct.

Staff reviews

We implemented key recommendations from three reviews:

- **Legal Support Officer Review:** A working group considered options for determining the ratio of support staff to lawyers. This will allow for an agreed standard across various roles and locations;
- **Office Managers Review:** A draft generic position description for this role was prepared by a working group involving a cross-section of staff from Legal Aid NSW; and
- **Learning and Development Review:** An Executive Committee, headed by the CEO, was set up to implement a strategic approach to learning across the organisation.

EMPLOYEE RELATIONS

Staff served on various internal committees, such as the Peak Consultative Committee, the Human Resources Sub-Committee, the Occupational Health and Safety Committee, the Access and Equity Committee and the Learning and Development Executive Committee (page 148).

Legal Aid NSW developed a Savings Implementation Plan (SIP) and implemented reforms as a result of the State wage rises in 2008. The plan was necessary to identify how Legal Aid NSW would fund the costs of salary rises, which were only partially funded by the Government.

In addition, we consulted with the PSA as part of the SIP Consultative Committee.

The year ahead

Meet targets set in the Savings Implementation Plan.

Implement the public sector wide e-recruitment system to be introduced in late 2009.

Incorporate new public sector policy initiatives into job evaluation and recruitment within Legal Aid NSW.

Systems and processes

Strong systems and processes build organisational capability and help us provide clients with a high quality service.

Our biggest and most challenging project this year was to bring in a major new system for processing all applications for legal aid. As a result, we are in a much stronger position to meet our core business needs well into future. We also learned some valuable lessons about ways to minimise negative fallout on staff and partners during a changeover period.

Major achievement

SYSTEM CHANGEOVER

In March 2009, we introduced a new grants management system called ATLAS.

The new system, which replaces LA Office, processes all applications for aid and all case-related claims received by Legal Aid NSW, and manages records of all our clients

Although still in the early stage, ATLAS will greatly enhance the organisation's ability to process applications both quickly and in strict adherence to our policies, and will meet the needs of Legal Aid NSW, and our partners and clients, into the future.

By automatically applying business rules to information provided in applications, ATLAS will improve decision-making on applications, and ensure a more efficient and consistent service delivery to clients and private lawyers. The system also allows us to automate aspects of processing applications and claims, thereby improving turnaround times for both clients and lawyers.

With ATLAS, electronic lodgement of applications is available in all areas of law.

Through the enhanced Grants Online facility, introduced with ATLAS, the new system provides better support to the e-business environment between Legal Aid NSW, private lawyers and applicants for legal aid. This includes full electronic lodgement of applications and claims, and electronic communication between Legal Aid NSW and private lawyers. It also gives private lawyers online access to additional information about legally aided matters and the ability to accept offers of work online. By managing information on practitioner panels, ATLAS allows us to allocate work to private lawyers in a fair and reasonable manner, and to quickly find private lawyers to assist unrepresented clients, particularly in rural and remote areas.

A comprehensive training program has been implemented for Grants staff and private lawyers to familiarise them with the new system. This has been supplemented by ongoing guidance and support from the ATLAS team and Grants Support Desk.

In conjunction with the introduction of ATLAS, the CASES case management system took an expanded role within the inhouse legal practices, supporting all services provided by the inhouse practice. CASES and ATLAS were successfully integrated as part of the ATLAS implementation, providing the inhouse legal practice with a single seamless system to manage their inhouse practice work and client dealings.

Lessons learned

In preparing to implement ATLAS, key stakeholders such as professional associations and courts were warned about potential problems. Staff numbers on the Grants Support Desk were more than doubled and a small number of other project team staff was retained to deal with configuration and software changes.

Staff played a key role in the largest system changeover ever.

From a technical perspective, the implementation of ATLAS proceeded smoothly.

From a business perspective many issues were identified and anticipated, such as difficulties for staff as they learned the new system; increased calls to the Grants Support Desk (which primarily provides assistance to private firm users of Grants Online); and the need for minor software changes and corrections to system configuration.

The issues created in implementing ATLAS were, however, greater than we anticipated. Private firms experienced more difficulties in learning the system than we had expected and it was clear that the information we provided was not enough. Calls from lawyers and staff to the Grants Support Desk increased significantly, delaying response times. There were also delays in payments, particularly with matters converted from the previous system.

Staff, particularly those within the Grants Division, worked incredibly hard to overcome these difficulties and minimise the impact on private lawyers and clients.

Staff identified issues with the new system, and a number of measures were introduced, such as the following:

- staffing to the Grants Support Desk was further increased;
- Grants Online demonstrations were delivered for lawyers and support staff in Sydney and major regional centres;
- electronic communications and information were significantly boosted;
- an online ‘tour’ of Grants Online was made available on the Legal Aid and Grants Online websites; and
- minor software changes helped address the high number of support calls.

The year ahead

Fine-tune and improve the new ATLAS system and provide more training and support to staff and private lawyers using the system.

CONTINUOUS IMPROVEMENT

Measuring performance

The planned review of performance measurement in the 2008-2009 Corporate Plan was linked to a review of the Results and Services Plan (RSP), results indicators and service measures. As the NSW Treasury introduced new processes which no longer required bi-annual preparation and submission of the RSP it was determined that this action be postponed. However, the Corporate Plan 2009-2011 has established two complementary actions, namely, to (i) develop an integrated suite of demand, cost and efficiency indicators and (ii) improve the ability of staff to interpret and apply data. Progress against these actions will be monitored over the next two years.

Library review

An independent review of our library services found that Legal Aid NSW lawyers received an excellent service and were well supported by electronic databases, loose-leaf services and essential texts. Recommendations implemented in 2008-2009 included providing basic research services to the Aboriginal Legal Service and community legal centres.

Costing our services

Legal Aid NSW has, with the assistance of Deloitte Touche Tohmatsu (Deloitte), conducted a cost allocation survey of our inhouse practice.

All service delivery staff were asked to complete the survey. The survey asked staff to allocate their time to a set of predetermined ‘services’ on a percentage basis. Through a system of weightings based on salary, the total cost of the organisation can be split amongst the defined services based on percentages. The survey was conducted electronically and analysis of the results is yet to be completed.

The survey is seen as the first step in gathering more detailed information about the costs of services. It is expected that more complex and appropriate costing models will follow.

Cost-effective resources

We embarked on a cost-effective upgrade of our publications, including application forms and brochures, using the considerable skills and talent of inhouse staff.

We set out to improve customer satisfaction by providing information that communicated well with our clients, but at minimal cost.

Part of this was a new Complaints brochure and form and Client Service Charter.

A new application form for legal aid and new duty forms, cost-effectively produced inhouse, will make it much easier for clients to provide their details to us.

Knowledge management

The introduction of a Knowledge Manager is a recommendation of last year’s Legal Aid NSW library review.

The Knowledge Manager is intended to work within our library, assisting staff with their legal knowledge needs. Recruitment will take place early next year and the position will be reviewed after 12 months.

The year ahead

Further develop costing methodology for inhouse legal services.

Improve the reporting of data and performance information in the Annual Report.

Implement more recommendations from the library review.

Key challenge

The Premier has called on all Government agencies “to have a renewed focus on the best way to deliver services for the people of NSW in these tough times”. Legal Aid NSW will participate in a review of corporate services across the Justice and Attorney General’s portfolio, to assist in identifying savings.

TECHNOLOGY

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

e-Learning

The Learning Management System (LMS) was launched on 1 January 2009 (page 36). The new site provides a centralised portal for registering courses, online learning, discussion forums, news and a calendar for upcoming courses. It also maintains a record of an individual's personal training history.

Intranet

A new intranet site design and information architecture was approved by the CEO in March 2009 and the technology platform for the new Intranet (Microsoft SharePoint) has been deployed.

Building of the new site is well underway with the overall framework in place and individual site sections established. The timeframe for the new intranet launch is September 2009.

Records management

TRIM, the corporate record-keeping system of Legal Aid NSW, has been upgraded to improve our ability to capture, track, locate, retrieve and dispose of our paper and electronic documents. Legal Aid NSW has adopted a three-stage approach to rollout TRIM: the management of paper records, the management of electronic documents, and integration with CASES and ATLAS to manage documents created/captured by these systems.

During the year, TRIM was rolled out successfully to pilot groups in Central Sydney. Staff

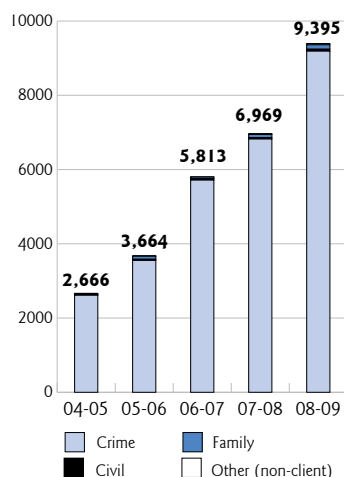
were trained in using TRIM for managing records.

A project to integrate TRIM seamlessly with ATLAS and CASES is underway to facilitate centralised and compliant management of all electronic documents.

Audio-visual links

Our staff have increased their usage of audio-visual link (AVL) services, resulting in greater efficiency and cost savings. We replaced older equipment that was not compatible with our network.

AVL CONFERENCES HELD
5 YEAR TREND



Infrastructure

New desktop computers were provided to all Legal Aid NSW staff. Larger screens were provided to take into account the amount of screen-based work staff perform. In conjunction with the desktop rollout, a new standard operating environment was developed and deployed.

Court-based computers were updated and connected wirelessly to the Legal Aid NSW network to allow staff at court to access our systems. In addition, wireless access has

been provided for our laptops, enabling staff to access the Legal Aid NSW network from outreach clinics and other off-site locations.

IT staff developed a program for replacing key server and storage infrastructure. The program will continue into 2009-2010.

We continued to implement server technologies that facilitate the consolidation of our applications across fewer physical servers resulting in efficiency and energy savings.

The selection and purchase of new software and hardware has been completed which will significantly improve our ability to respond to and recover from disasters affecting our IT operations.

The year ahead

Work with other NSW Government Justice Sector agencies on the Joined Up Justice project to manage the exchange of data across the criminal justice sector.

Improve the intranet and internet sites to give people better access to information on legal issues and services.

Improve management of all IT functions, in particular business reporting and disaster recovery.

Introduce web cam technology to supplement the AVL infrastructure.

Key challenge

Continuing to provide Legal Aid NSW business areas with innovative and effective technology solutions during a period of significant cost restraint and corporate services reform across the NSW Government.

ORGANISATIONAL EFFICIENCIES

As part of savings initiatives, a new monitoring system was introduced in November 2008 to ensure that discounted fares are used for airline travel.

From November 2008 to April 2009, we achieved a 21% decrease in air travel costs.

In March 2009, we merged our Newcastle civil, family and criminal law practices into a single office, achieving cost savings and increasing our capacity to provide more holistic services to clients. The Newcastle civil law practice moved from the University of Newcastle to join the family and criminal law practices. Clients can now access a refurbished one-stop shop for all areas of law.

The year ahead

Implement a new Accommodation Plan for Central Sydney and regional offices.

REDUCING OUR ENVIRONMENTAL FOOTPRINT

Under current NSW Government Sustainability Policy (M2008-28), agencies are required to purchase a minimum of 6% green energy.

Legal Aid NSW showed early leadership by using 6% green energy from 2006 with a commitment to increasing this by 1% pa where it was available and cost effective. Sustainability actions carried out in 2008-2009 included:

- increasing our green energy purchase from 6% to 10% for all regional offices;
- achieving a NABERS* three star rating for the Central Sydney office;
- conducting a staff survey on commuting patterns as part of a carbon footprint assessment, which will be used to implement future energy savings initiatives;
- purchasing a second Hybrid vehicle for our fleet of 45 cars;
- increasing E10 fuel usage from 6.7% to 17.5% from 2008 to 2009; and
- installing light timers in Central Sydney for high rise floors that reduce the dependence on staff to turn lights off each day. (The hours on the timers have been reduced from 10 pm to 8:30 pm).

*National Australian Built Environment Rating System rates the operational environmental performance of buildings.

In accordance with the Government's Waste Reduction and Purchasing Policy (WRAPP), our goal was to reduce paper usage by 10% per person. This equates to four sheets of paper per person, per business day. By late 2008 we had reached a 7% reduction.

In line with the NSW Government clean fleet strategy, tests are being undertaken on a car that can put energy back into the grid in its bid to cut greenhouse emissions by 60% by 2050.

To engage staff on environmental issues, we introduced a regular Green Column in our staff newsletter, encouraging staff to contribute stories and ideas on how to go green.

The year ahead

Develop a new sustainability policy with clear guidelines for reducing our carbon footprint.

Review our car fleet in October 2009 to include more electric cars.



Edward Young (centre) with the Human Rights Commissioner and Disability Discrimination Commissioner Graeme Innes AM and Legal Aid advocate, Anastasia Toliopoulos, celebrating historic same-sex legislation announced in November 2008 (page 50).

GOAL 4

PROMOTING FAIRNESS & OPPORTUNITY

Key achievements

- Reviewed civil law policies
- Developed a single means test
- Completed research into Aboriginal legal needs
- Reviewed our response to domestic violence
- Expanded legal services for prisoners
- Assisted 27 people who were falsely imprisoned
- Co-hosted a financial hardship roundtable

Promote a fair and inclusive justice environment

IN THIS SECTION

Social inclusion	47
Research and reports	47
Studies and surveys.....	48
Human rights projects	49
Inquiries	50
Law reform	51
External forums.....	51
Inter-agency committees	52

Findings from two key reports will help us improve services to our priority client groups.

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 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.

SOCIAL INCLUSION

Over the last 10 years, the term “social exclusion” has been increasingly used to highlight the situation of disadvantaged and marginalised groups in society.

Promoting and maintaining “social inclusion” has become a government policy aim both in Australia and overseas.

We believe that legal advocacy and advice for socially and economically disadvantaged people and excluded communities is an important way of promoting social inclusion.

Major achievements

Policy review

Our Legal Policy Branch ensures that our policies target people who are socially and economically disadvantaged to enable us to make decisions that are fair and consistent. With more people becoming unemployed as a consequence of the global financial crisis, potentially increasing the number of people accessing our services, it became necessary to review how best to deliver services to those who are identified as most disadvantaged. Our civil law policies were reviewed, ensuring they target people who are most at risk of being socially excluded. Staff and private lawyers were trained in their application.

Means test

Legal Aid NSW developed a new single means test. The benefit of the new means test is that it is easier for staff, clients and private lawyers to use. It also introduces a degree of flexibility into the means testing of Local Court criminal matters.

The merging of Means Tests A and B into a single means test was the first step to a more fundamental review of the whole means test and client contributions system.

The year ahead

Commence a major review of our means test, drawing on the principles of social inclusion, to ensure services meet the legal needs of the most socially and economically disadvantaged people across NSW.

Revise key policies on access to aid, based on evidence of social inclusion and exclusion.

RESEARCH AND REPORTS

Our Corporate Plan 2008-2009 encourages us to promote a fair and inclusive justice environment for everyone, but in particular by improving access to justice for Aboriginal people and people in domestic violence situations. This year, we commissioned two reports to provide the groundwork for work in these areas.

Major achievements

Aboriginal legal needs

In December 2008 Professor Chris Cunneen and Melanie Schwartz (University of NSW) delivered their report commissioned by Legal Aid NSW into the civil and family law needs of Aboriginal people in NSW. They consulted widely with Aboriginal people and service providers throughout the State to establish what these needs were.

The Cunneen report will help guide future legal services to Aboriginal people in civil and family law.

The research established that Aboriginal people mainly need help with family law proceedings involving children, including care and protection matters and child support. Other areas that featured highly were mental health, personal injury/accidents and consumer issues.

Also highlighted were key areas where Legal Aid NSW could improve its service delivery to Aboriginal people, such as providing more help with filling out legal aid forms, and introducing flexible services that demonstrate a better understanding of Aboriginal culture and background.

The report made 12 recommendations for addressing the civil and family legal needs of Aboriginal people in NSW, including:

- Aboriginal cultural awareness training for all Legal Aid NSW staff;
- community outreach programs, especially in rural and remote areas where there are no Legal Aid NSW offices; and
- community legal education programs.

Although Legal Aid NSW is already doing considerable work in these areas, the report provided invaluable guidelines that will help us develop more targeted and culturally appropriate services.

Domestic violence strategy

In November 2008 a report on Legal Aid NSW services to people in domestic violence situations was completed. The report considered:

- the legal consequences of domestic violence and the legal needs arising from those consequences;
- how Legal Aid NSW responds to people in domestic violence situations, both as an organisation and through different practice areas;
- the relationship between Legal Aid NSW and key domestic violence service delivery partners; and
- the role of Legal Aid NSW in improving access to justice for people who have been or are in domestic violence situations, through research, policy and justice system service delivery initiatives.

Given the extensive nature of the recommendations, the timeframe for implementing a statewide service delivery strategy in response to domestic violence was extended to the following financial year. In December 2008, an internal Implementation Committee was established to consider the recommendations and report to the Chief Executive Officer on implementation of the recommendations, as appropriate.

The year ahead

Implement the recommendations of the *Report into the Civil and Family Law Needs of Aboriginal People in NSW*.

Implement a service delivery strategy in response to domestic violence.

Undertake a social inclusion pilot with a group of clients who have a high need for legal aid services and complex legal problems, to assist with policy development.

Key challenge

Prioritising the many recommendations in the domestic violence report so that we can commence implementation, and see some real results by the end of the year.

Establishing successful pilots of Aboriginal Community Access Workers in several locations.

STUDIES AND SURVEYS

In 2007 National Legal Aid commissioned the Law and Justice Foundation of New South Wales to undertake a study of legal needs in Australia.

The Foundation engaged Roy Morgan Research to conduct telephone interviews with over 19,000 Australian residents in 2008. The interviews were intended to identify legal problems encountered by respondents within the previous 12 months.

The interviews for the study were completed in late 2008, however, further analysis of the interim data is necessary before a final report can be published by the Law and Justice Foundation. It is expected that this report will be available in 2011.

Interim advice from the Foundation suggests that the report is likely to assist in our understanding of the clustering of legal problems for particular groups in the community.

HUMAN RIGHTS PROJECTS

In seeking to promote a fair and inclusive justice environment, Legal Aid NSW employs staff in a range of specialist services to act on behalf of particularly vulnerable clients, including those whose voices are often not heard (page 7).

Major achievements

Legal services for prisoners

Prisoners are one of the most disadvantaged groups in society, both by virtue of their incarceration and their socio-economic background. In 2008-2009, they were a major part of our social inclusion program.

Until recently, our service to prisoners provided legal advice mainly in the area of criminal law.

A review of our Prisoners Legal Service recommended a more holistic legal service that would provide civil and family law outreach services to gaols in NSW—one that could assist prisoners with a range of legal problems such as debt, fines, tenancy and caring for children.

We responded by establishing an outreach team—a civil lawyer and a family lawyer—who could deliver this new service to prisoners.

During 2008-2009, the team made 36 prison visits that included gaols in remote areas such as Broken Hill and Brewarrina.

We launched a statewide education program, *Back on Track*, for prisoners in collaboration with the Department of Corrective Services, helping prisoners address their legal needs as part of their overall rehabilitation and successful reintegration into the community. Civil and family lawyers at the Prisoners Legal Service delivered 90 community legal education sessions using *Back on Track*.

In addition, an education campaign was conducted for Aboriginal prisoners in relation to Stolen Wages in Wellington, Mid North Coast, Grafton, Brewarrina, Glen Innes, Lithgow, Bathurst, Kirkconnell and Long Bay. Over 700 Aboriginal prisoners received education and advice about

possible Stolen Wages claims. As a flow on effect, prisoners lodged several hundred claims with the Aboriginal Trust Repayment Scheme in the following months.

LawAccess NSW, promoted as a key point of contact in the *Back on Track* DVDs, assisted 8,240 callers from prisons, a 14.3% increase on last year.

In October 2008, the NSW Legal Assistance Forum held a roundtable on practical strategies that could address the legal needs of prisoners. The forum led to the establishment of a Prisoners Working Group, chaired by Legal Aid NSW, whose first step was to improve prisoners' access to information in prison libraries.

The e-version of the *Law Handbook* and a version of the Legal Aid NSW website will be ready for piloting by the end of 2009.

The Women's Advisory Council advises the Commissioner for Corrective Services on issues relating to women in custody and in the criminal justice system generally. Director,

Director Civil Law, Monique Hitter takes her place (third from left, back row) on the Department of Corrective Services Women's Advisory Council.



Civil Law, Monique Hitter, is a member of this committee.

The committee complements the work of the NLAFF Prisoners Working Group. This year it focused on strategies to reduce the increasing numbers of women in full-time custody and the over-representation of Aboriginal women in the criminal justice system.

False imprisonment

Last year we reported on an investigation recently completed by the Commonwealth Ombudsman 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 (DIAC) contacted each detainee suggesting they receive legal advice prior to accepting any offers of settlement. Legal Aid NSW established a 1800 number for this purpose.

To date 27 people have sought assistance from Legal Aid NSW, 20 have been represented inhouse and seven have been referred to private law firms.

Most clients were detained for relatively short periods of time; however some were detained in excess of one and even two years.

In addition to these 20 matters, Legal Aid NSW has also represented two other individuals who were not the subject of the Ombudsman's report but who had claims of false imprisonment against DIAC. Damages totaling

\$1,023,500 have been paid by DIAC to our clients.

This project is a good example of Legal Aid NSW working with government departments on a policy level to facilitate access to justice for an extremely disadvantaged community.

Same sex rights

Since 2003, Legal Aid NSW has assisted a client in his fight for changes to same sex couple legislation, which included making a claim to the United Nations Human Rights Committee. Our client claimed he had been discriminated against, on the basis of his sex, over entitlements provided to partners of deceased veterans. The UNHCR ruled that Australia had breached the International Covenant on Civil and Political Rights but the landmark ruling had no effect on same sex laws in Australia at the time.

The case was re-opened this year so that preparations can begin in readiness for lodging a fresh claim for a war widower's pension, post 1 July 2009, when the laws allowing gay partners of Australian Defence Force members equal treatment before the law come into effect.

Human rights committee

The Legal Aid Human Rights Committee assists in considering applications for legal aid in cases that raise significant human rights issues. It is made up of experts in human rights law from the University of NSW, the NSW Bar Association and the Law Society of NSW, and is assisted in its work by staff at Legal Aid NSW.

This year the committee considered 39 matters ranging from discrimination and Stolen Wages to immigration, unlawful imprisonment and procedural fairness.

The year ahead

Provide more *Back on Track* community legal education sessions in prisons.

Improve communication between prisoners and lawyers through webcam technology.

Undertake more cases and projects that help protect the interests of particularly vulnerable people.

INQUIRIES

In addition to contributing to joint submissions to inquiries through National Legal Aid and the Department of Justice and Attorney General, Legal Aid NSW provided submissions directly to other major Inquiries including:

- the Special Commission of Inquiry into Child Protection Services in NSW (Staff of Legal Aid NSW also gave evidence to the Special Commission.); and
- the Joint Standing Committee on Migration Inquiry into Immigration Detention (The CEO and lawyers Elizabeth Biok and Bill Gerogiannis gave evidence before the Committee. They were well received by the Committee, and the Committee's Reports referred extensively to the National Legal Aid submission and the evidence given to the Inquiry by the Legal Aid NSW witnesses.)

Key challenge

Negotiating improvements to our agreement with the Commonwealth, to allow us to provide better services to asylum seekers and temporary residents.

LAW REFORM

The significant contribution to law reform debate by Legal Aid NSW draws on our extensive experience in assisting disadvantaged clients. We are regularly invited to comment on the impact of policy and legislative proposals on socially and economically disadvantaged people.

In 2008-2009 we made 44 submissions to a range of law reform bodies on a wide variety of issues affecting our clients. See page 137 for a full list.

Law reform work undertaken by Legal Aid NSW contributes to the resolution of systemic issues which adversely affect our socially and economically disadvantaged clients.

Two contributions to law reform that helped achieve systemic change this year were our work on the committee which drafted the Work and Development Order (WDO) Guidelines under the *Fines Act 1996* and our work on the Apprehended Violence Legal Issues Coordinating Committee.

The *Fines Act* was amended in 2008 to allow eligible people to satisfy their debt through unpaid work or certain courses or treatment. The WDO Committee drafted the Guidelines, with the Legal Aid NSW member's main involvement being in the drafting of the definitions of "homelessness" and "acute economic hardship" and participating in determining the rate at which a WDO satisfies a fine debt.

Representatives from the Criminal Law Division, including the Children's Legal Service, and the Women's Domestic Violence Court Advocacy Program are members of the Apprehended Violence Legal Issues Coordinating Committee (AVLICC). This group aims to continuously improve the delivery of justice system services to all persons who experience domestic violence. Through this group, Legal Aid NSW contributes to law reform and monitors the impact of existing law. Legal Aid NSW has participated on several working parties on behalf of AVLICC. An example of this work is the recommendation for law reform in relation to the definition of "domestic relationship" in Section 5 of the *Crimes (Domestic and Personal Violence) Act 2007*.

The year ahead

Review and improve our systems for identifying key law reform issues.

EXTERNAL FORUMS

National Legal Aid

National Legal Aid (NLA) represents the Directors of each of the eight State/Territory Legal Aid Commissions in Australia. The current chair of NLA is Mr Norman Reaburn, Director of the Legal Aid Commission of Tasmania. NLA made 10 submissions about key legal issues affecting people's legal rights.

NLA also established a number of working groups and best practice forums to address specific issues. The Consumer Law Working Group was established in 2008-2009 to address issues relating to the National Consumer Credit Protection Bill 2009 and will continue to work collaboratively to respond to changes to the consumer credit legislation in the year ahead. The NLA Dispute Resolution Working Group has also undertaken significant work to address issues arising from the implementation of the National Mediator Accreditation Scheme and the external evaluation of legal aid family dispute resolution services (page 17).

Australian Legal Assistance Forum (ALAF)

NLA represents Legal Aid NSW and the other Legal Aid Commissions across Australia on the Australian Legal Assistance Forum (ALAF) which also comprises:

- the Law Council of Australia, representing Australian lawyers and their State and Territory representative bodies;
- representatives of Aboriginal and Torres Strait Islander Legal Services; and
- the National Association of Community Legal Centres.

ALAF was established to enable these organisations to consider and address Australian legal assistance issues in a cooperative and coordinated manner.

NSW Legal Assistance Forum (NLAF)

Mr Alan Kirkland became the Chair of the NSW Legal Assistance Forum in 2009. The position of Chair had previously been held by Mr Geoff Mulherin of the Law and Justice Foundation from November 2007. The key initiatives of the NLAF for 2008-2009 were:

- establishing a working group to address the legal needs of prisoners (page 49);
- establishing a working group to identify and address issues concerning the availability of lawyers for disadvantaged people in rural, regional and remote areas;
- a submission to the House of Representatives Committee Inquiry into the Impact of the Global Financial Crisis on Regional Australia;
- assisting Local Courts in Western Sydney to identify Dinka, Arabic and Juba resources and to provide services to assist the Sudanese community to address legal issues through the working group on culturally and linguistically diverse issues; and
- information sharing in relation to services available for people in domestic violence situations through the Legal Information and Referral Forum.

Financial hardship roundtable

In May 2009, Legal Aid NSW, in collaboration with Victoria Legal Aid, the Consumer Credit Legal Centre (NSW) and the Consumer Action Law Centre (Vic), hosted a Financial Hardship Roundtable in Melbourne. Attended by representatives of State and Federal agencies, regulators, legal service providers and non-government community welfare organisations, the Roundtable provided an opportunity to discuss the impact of the global financial crisis on disadvantaged people, with a particular focus on the availability of legal assistance for people experiencing difficulty with credit and debt issues. The Roundtable helped to set an agenda for the work of the newly established NLA Consumer Law Working Group.

The year ahead

The NLA Consumer Law Working Group will build stronger links with specialist community legal centres, to ensure a coordinated response to changes to consumer credit legislation.

NLAF will finalise a range of practical measures to improve access to legal information and services for prisoners through the NLAF Prisoners Working Group.

The NLAF Working Group for Culturally and Linguistically Diverse Communities will work with stakeholders in South Western Sydney to identify legal needs of Fijian and Iraqi communities and develop plans to address those needs.

The Law and Justice Foundation will undertake a Commonwealth-funded research project on behalf of NLAF, to improve the research base in relation to recruitment and retention of lawyers in regional, rural and remote areas.

INTERAGENCY COMMITTEES

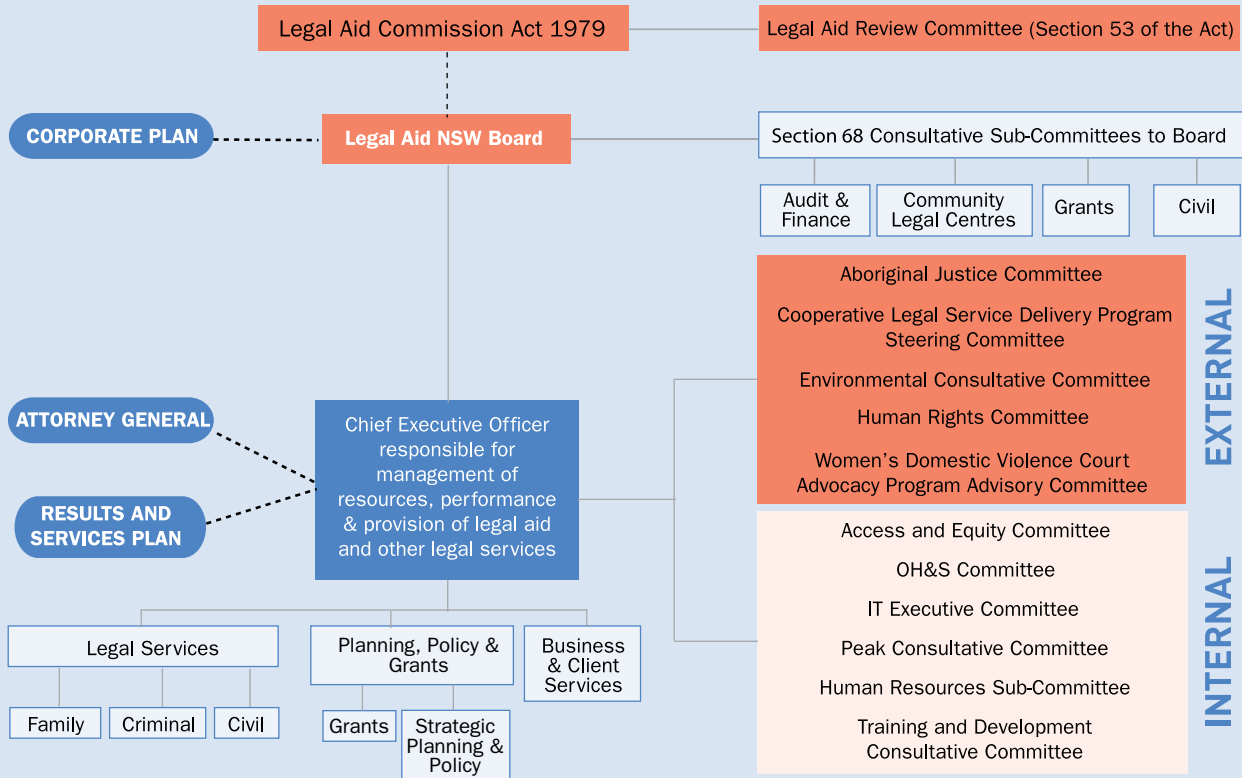
Legal Aid NSW staff were members of over 120 inter-agency committees, highlighting the legal needs of disadvantaged communities (page 149).

The year ahead

Take a leadership role on the expert advisory panel on alternative dispute resolution in the care and protection jurisdiction.

Key challenge

Working with the Australian Government to attract adequate resources for legal assistance for growing numbers of people experiencing financial stress.



CORPORATE GOVERNANCE

Key achievements

The Legal Aid NSW Board approved:

- changes to the State criminal law policy to provide legal aid for restorative justice programs
- changes to family law policy to reflect changes in the law relating to de facto property and maintenance matters
- a single, simplified means test
- a new Corporate Plan 2009-2011.

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

IN THIS SECTION

Board achievements	54
Board members	55
Organisation chart	56
Directors	57
Governance framework	58
Legislative compliance	59
Public accountability	60
Privacy	61

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 Chairperson, 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 on pages 146-147.

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

Mr Geoff Lindsay SC attends the Grants Sub-Committee of the Board 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 chairs the 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

The Board approved a number of changes to policies, including amendments to:

- the means test—replacing the two means tests with a single means test, coinciding with the introduction of ATLAS in March 2009;
- State criminal law policy, to provide legal aid for restorative justice programs;

- family law policy, to include de facto property and maintenance matters following commencement of the *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008*;
- civil law policy, to provide legal assistance for clients detained for mandatory treatment under the extended pilot of the *Drug and Alcohol Treatment Act 2007*; and
- policy and guidelines relating to public interest, including guidance on the interpretation of the term 'public interest' in the glossary of terms.

Early in 2008-2009, it became apparent that expenditure was in excess of budget in a number of areas, and that changes to policies and fees were necessary in order to control future expenditure. As a result, the Board also approved the following changes to policies and guidelines:

- restrictions on the provision of legal aid for personal injury and medical negligence matters to people at special disadvantage, such that aid would only be available in exceptional circumstances, and where the applicant would suffer undue hardship if aid was refused;
- rationalisation of the maximum number of hours of hearing time paid per day to five hours for all assigned matters, to ensure that it is consistent across all areas of law;
- an expansion of the Family Dispute Resolution (FDR) Program with increased emphasis on a model of FDR for matters in late litigation;
- more rigorous guidelines on funding of court expert reports and family law litigation; and

- an extension of the merit test to a broader range of adults in care and protection matters.

The Board also approved the Corporate Plan 2009-2011.

Meetings of the Board

The Board meets monthly, unless a special meeting is convened. There were 11 meetings of the Board in 2008-2009.

Finance and budget matters took up approximately 30% of the Board's time; strategic matters about policy, planning, law reform and risk assessment 40%; and general governance and advice on operational matters, 30%.

Board members' fees

Part-time Board Members are entitled to be paid fees for their work in attending meetings, reading background papers, sitting on committees and representing the Commission at meetings with other organisations. The rates of remuneration are \$3,370 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's priorities will include:

- implementing the Corporate Plan 2009-2011;
- implementing relevant recommendations of the Trial Efficiency Working Group (page 34); and
- monitoring the impact of cost control measures introduced in 2008-2009 and considering further measures, if necessary.

Board members

Meetings
attended
2008–2009

Mr Phillip Taylor BA LLB		Appointed by the Attorney General as Chair. Phillip was a partner of Freehills for many years. He now serves on a number of boards and provides consulting services.	10
Mr Alan Kirkland BA LLB MBA (Exec)		Appointed by the Attorney General as Chief Executive Officer in 2008. (See page 57 for biographical information).	10
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 Gambling Fund and the AGL National Customer Council. He is the longest serving member of the Board.	10
Ms Sara Blazey BA(Hons) Law		Nominee for the Combined Community Legal Centres Group (NSW), appointed in November 2006. Sara has been a solicitor for 25 years, specialising in family law and domestic violence. She first practised in England and was then admitted as a solicitor in NSW in 1997. She has worked in Community Legal Centres since then. Alternate: Maria Girdler, attended 1 meeting.	10
Ms Pauline Wright BA LLB		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. Alternate: Hugh Macken	6
Mr Geoff Lindsay BEd, LLB (ANU) SC		Nominated by the NSW Bar Association, Geoff practises principally in the equity, commercial and appellate jurisdictions. He is Secretary of the Francis Forbes Society for Australian Legal History, a member of the Council of Law Reporting for NSW and a nominee of the Bar Association on the Board of the Public Interest Law Clearing House and the Faculty Board of the UTS Law Faculty. Alternate: Phillip Boulten, SC	11
Mr Jack Grahame BA		Nominated by Unions NSW. A lawyer for over 40 years, Jack was in private practice before joining the Prisoners Legal Service of Legal Aid NSW in 1991.	7
Mr Philip Bickerstaff MCom		Phillip retired from the NSW Public Sector in 2005 after 37 years, 29 of those with 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.	11
Ms Andrea Durbach BA LLB, DipLaw (SAB, USyd)		Associate Professor, Faculty of Law, UNSW and Director of the Australian Human Rights Centre. Prior to joining UNSW, she was Director of the Public Interest Advocacy Centre and Coordinator of the Public Interest Law Clearing House. She is also Chair of the Legal Aid NSW Human Rights Committee and member of the Advisory Council of Jurists of the Asia Pacific Forum of National Human Rights Institutions.	8
Ms Linda Webb OAM, BA, FAIM, MAICD		Linda is a consultant and serves on several government boards. Her areas of expertise are governance, community services and procurement. In 2001, Linda was awarded a medal as a Member of the Order of Australia for services to public administration and social policy.	6

Organisational chart

CEO | Alan Kirkland

EXECUTIVE SUPPORT
ABORIGINAL SERVICES UNIT

SOLICITOR TO LEGAL AID NSW
SECRETARIAT LEGAL AID REVIEW COMMITTEE

Legal Services Steve O'Connor, Deputy CEO

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

Business & Client Services Russell Cox, Deputy CEO

HUMAN RESOURCES

HRM Consultancy
Industrial Relations
& Organisational
Development
Injury Management &
Workers Compensation
Learning & Development
(includes e-Learning)
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

Strategic Planning & Policy Richard Funston, Executive Director Planning Policy & Grants

Legal Policy

Community Partnerships

Community Legal Centres Funding Program
Cooperative Legal Service Delivery Program
Women's Domestic Violence Court
Advocacy Program

Communication, Information, Education & Business Reporting

Access and Equity
Business Reporting
Community Legal Education
Publications

Grants Annmarie Lumsden, Director Grants

Business Development
Civil, Family and Criminal
Legal Units

Grants Support Desk &
ATLAS team

Operations
Professional Practices

(1) Central Sydney office and 13 regional offices (2) Central Sydney office and 20 regional offices
(3) Central Sydney office and 19 regional offices

Directors

ALAN KIRKLAND



BA LLB MBA (Exec)
Chief Executive Officer
(SES Level 6)
Budget Total: \$193.381M
Staff: (FTE) 824.34
Total Actual: 912

Alan has been Chief Executive Officer of Legal Aid NSW since July 2008.

Alan has previously been employed as Executive Director of the Australian Law Reform Commission; Director, Community Access, with the Department of Ageing, Disability and Home Care (NSW); and Director of the NSW Council of Social Service.

Alan has been a member of the boards of a range of non-government organisations, including the Australian Council of Social Service; the Welfare Rights Centre, Sydney; the Public Interest Advocacy Centre; and the Public Interest Law Clearinghouse.

He has also held statutory appointments to bodies including the Social Security Appeals Tribunal (Cth), the Administrative Decisions Tribunal (NSW) and the Sustainability Advisory Council (NSW).

[A key achievement by the Chief Executive Officer was working with the Executive to identify and implement a range of measures to control expenditure, while seeking to minimise the impact on services for disadvantaged people.](#)

[The Attorney has indicated his satisfaction with the CEO's performance for the period of his appointment. The CEO's performance statement appears on page 129.](#)

STEVE O'CONNOR



Dip Law (BAB)
Dip Crim
Deputy CEO Legal Services (SES Level 4)
Budget Total: \$79.960M
Staff: (FTE) 136.78
Total Actual: 163

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. Steve is responsible for the statewide practices of the Criminal, Family and Civil Law Divisions.

[Steve's main achievement involved managing criminal and civil law costs and service delivery implications; and implementing external review findings.](#)

RUSSELL COX



BComm
Deputy CEO Business and Client Services (SES Level 4)
Budget Total: \$15.248M
Staff (FTE): 95.42
Total Actual: 101

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 progressed many initiatives to enhance the level of support provided by Business and Client Services to achieve the corporate business goals and objectives of Legal Aid NSW.](#)

RICHARD FUNSTON



BComm LLB EMPA
Accredited Criminal Law Specialist
Executive Director Planning, Policy and Grants (SES Level 2)
Budget Total: \$113.642M
Staff (FTE): 124.5
Total Actual: 134

Richard's earlier experience includes eight years with Victoria Legal Aid and four years as Principal Solicitor of the Inner City Legal Centre in NSW. During his 12 years with Legal Aid NSW, Richard has held leadership roles in a wide cross-section of areas. In March 2009 he was appointed to the new position arising from the reduction in the SES.

[Richard has shown leadership in the change management issues associated with the new grants management system ATLAS.](#)

BRIAN SANDLAND



BComm LLB PSM
Director, Criminal Law (SES Level 2)
Budget Total: \$39.599M
Staff (FTE): 247.85
Total Actual: 271

Brian has been at Legal Aid NSW for 29 years: for 4 years in civil law, then in criminal law for the last 25 years. He has held senior management roles in regional offices and Central Sydney and has been Director of the Criminal Law Division since 2003.

[Brian has worked on cost savings initiatives, recommendations for achieving more efficient trials, and an extensive crime prevention program for young people.](#)

KYLIE BECKHOUSE



BA LLB, Accredited Family Law Specialist
Director, Family Law (Senior Officer Grade 2)
Budget Total: \$21.705M
Staff (FTE): 130.11
Total Actual: 145

Kylie has held senior management roles throughout Legal Aid NSW, including in Liverpool, Parramatta, Blacktown, and Central Sydney offices and Child Support Service. Her earlier experience includes seven years in private practice.

Following the reduction in SES positions, a new position was evaluated as a senior officer position. Kylie was appointed in May 2009 after acting in the position for several months.

[Kylie's main focus was the Wood Special Commission of Inquiry into Child Protection, new resources for unrepresented litigants, and enhancements to family dispute resolution services.](#)

MONIQUE HITTER



BSW Dip Law
Director Civil Law (Senior Officer Grade 1)
Budget Total: \$14.952M
Staff (FTE): 89.68
Total Actual: 98

Monique began working as a community lawyer in 1997 at Marrickville Legal Centre. She has worked as a pro bono lawyer in a large law firm as well as a lawyer at Legal Aid NSW and the Australian Securities and Investment Commission. Monique also developed the pilot of the Cooperative Legal Services Delivery Model in 2004 and established new programs for priority client groups.

[Monique has been acting as the Director Civil Law since July 2007. This year she developed a mortgage rescue strategy for people with mortgage problems as well as a number of key community legal education and outreach initiatives.](#)

DIRECTOR GRANTS

(Senior Officer Grade 1)
Budget Total: \$88.464M
Staff (FTE): 91.9
Total Actual: 99

Mary Whitehead, Tracey Bosnich and Annmarie Lumsden have filled the role of Director Grants on a temporary basis. Following the reduction in SES positions a new position was evaluated as a Senior Officer, Grade 1 position. Annmarie Lumsden was appointed to the new permanent position in June 2009.

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 establishing broad policies and strategic plans for Legal Aid NSW. The Chief Executive Officer is a member of the Board. Board Members appear on page 55.

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. 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, Fraud and Corruption Plan, Information Technology Strategic Plan, Business Continuity Plan and divisional business plans.

Corporate planning

A planning framework, incorporating strategic, tactical and operational planning, places Legal Aid NSW in a sound position to plan and monitor its service delivery, allocate resources and review and evaluate progress against performance across all levels of the organisation.

In 2008-2009 Legal Aid NSW developed a new Corporate Plan 2009-2011. The period of the new plan aligns with the period of reporting of the current Results and Services Plan. This alignment of reporting will contribute to an integration of results across strategic plans.

The priorities identified in the new plan reflect a determination within Legal Aid NSW to shape real change in a range of domains. Legal Aid NSW has held itself accountable for these changes by stating, in the Corporate Plan, the intended outcomes of these priorities. The four priorities are: Social Inclusion, Access to Justice, Integrated Services and Organisational Flexibility.

Divisional planning within Legal Aid underpins the corporate plan. A revised divisional planning framework strongly supports collaboration, cohesiveness and transparency, and includes links to key strategic plans and inter-divisional plans.

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:

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

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

In addition all our lawyers are bound by professional practice

standards, comply with mandatory continuing legal education requirements and have available a range of skills development and personal attribute training courses.

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 that they have been allocated to achieve their business objectives. Monthly reports are provided, comparing actuals to budget plus associated revenue and expenditure trends. Detailed monthly financial reports are provided to the Audit and Finance Committee and the Board.

Risk management and internal audits

Legal Aid NSW regularly conducts risk assessments of its activities covering both strategic and operational risks. The current assessment was prepared in March 2009.

The risk assessment is used to prepare the internal audit plan. Each annual audit plan includes provision for additional audits should circumstances change during the course of the year and further audits be required. The preparation of the risk assessment is based upon a methodology recognising inherent risk and control effectiveness.

Deloitte Touche Tohmatsu and the Internal Audit Bureau are the internal auditors for Legal Aid NSW. Each audit has a stated objective and scope of activity. All recommendations to improve controls require a management response on what action will be taken and a date by when that action will be

completed. The internal audit function is overseen by the Audit and Finance Committee of the Board.

Primary responsibility for managing risk rests with line managers, who are required to ensure that an effective control environment operates within their area of responsibility.

An internal audit plan for 2009-2010 was prepared with the assistance of Deloitte Touche Tohmatsu. The audits were identified from a review of the updated risk assessment, previous annual audit plans and recent developments, e.g. government initiatives. The plan includes our first performance audit, focussing on duty services.

As part of the internal audit program, Legal Aid NSW conducted an audit to evaluate the effectiveness of controls supporting the Board in carrying out its function under the *Legal Aid Commission Act 1979*.

The audit was conducted by Deloitte Touche Tohmatsu (Deloitte) and covered the period between 1 July 2007 and 31 March 2008.

Two minor issues were raised and recommendations for improvement were made. Both recommendations were accepted and have been implemented.

Business continuity

Legal Aid NSW has a business continuity management plan that is 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 responsibility structure, 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 Disclosure Policy.

The year ahead

Review the corporate plan and divisional plans at Executive level.

Manage a successful transition to a recomposed Board, following the announcement of Board appointments in late 2009.

In accordance with government requirements, review, update and test our current business continuity management plan so that we are prepared in the event of a disaster or extended disruption of services.

Implement the internal audit plan for 2009-2010. (The plan will include our first performance audit, which will focus on duty services.)

Key challenge

Implement new State Government requirements for audit committees in public sector agencies.

LEGISLATIVE COMPLIANCE

Significant cases and legislative amendments

There was one significant case relating to the provision of legal aid this year. In *Corcoran v Virgin Blue Airlines Pty Ltd* [2008] FCA 864, the Federal Court discussed the factors relevant to the exercise of discretion to make an order fixing the maximum costs recoverable in proceedings on a party/party basis, in circumstances where the plaintiff was legally aided.

References in the *Legal Aid Commission Act 1979* to “*Mental Health Act 1990*” were changed to “*Mental Health Act 2007*” by the *Statute Law (Miscellaneous Provisions) Act 2008*. Reference to “the *Family Provision Act 1982*” was changed to “Chapter 3 of the *Succession Act 2006*” by the *Succession Amendment (Family Provision) Act 2008*.

Protected disclosures

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 that this will lead to reprisals.

In 2008-2009, Legal Aid NSW did not receive any notifications under the Protected Disclosures Policy.

Freedom of information

Legal Aid NSW is an agency for the purposes of the *Freedom of Information Act 1989* (FOI Act), and is required under the FOI Act to publish information about its activities and to determine applications for access to or amendment of documents it holds.

On 30 June 2009, Legal Aid NSW published its *Statement of Affairs* for the 12 months ending 30 June 2009.

The most recent *Summaries of Affairs for Legal Aid NSW* were forwarded for publication in the *Government Gazette* in January and June 2009. Copies of all three documents can be obtained from Legal Aid NSW on request.

During 2008–2009 Legal Aid NSW continued to make information about legal aid and other matters, including policy documents listed in our *Summary of Affairs*, available to the public, in most instances free of charge.

This year we received 30 applications for access to records and processed 29 applications including two carried over from the previous year. No applications to amend records were received or processed. Full details of applications are contained in the Appendix to this report, page 144.

Most applications continue to be from clients seeking access to material from their case files and applicants for legal aid seeking to understand how applications were determined. Legal Aid NSW lawyers continued to provide clients with access to documents from their own case files without requiring a formal freedom of information application or application fee.

TOTAL COMPLAINTS 2 YEAR COMPARISON

Nature of complaint	Year	
	2007–2008	2008–2009
Allocation of funds	0	1
Breach of the Act	1	0
Eligibility	192	177
Fees issue/wrongful claim for fees/overcharging	7	10
Legal Aid NSW staff or administration issue	30	36
Private lawyers	29	13
Systems or processes	7	26
Quality of legal service (representation or complaint about legal officer)	32	48
Other	17	17
TOTAL	315	328

One application for review in the Administrative Decisions Tribunal arose from an application that was discontinued following a request to amend the application to avoid an unreasonable diversion of agency resources. The Tribunal review was not finalised in the current reporting period.

The year ahead

The *Government Information (Public Access) Act 2009* is expected to commence in early 2010. Legal Aid NSW will make the required changes to the way we deal with access requests and making information publicly available.

Key challenge

Ensuring that all affected staff receive appropriate guidance and training to ensure compliance with the new Government Information legislation.

PUBLIC ACCOUNTABILITY

Complaints handling

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

In January 2009, we prepared new guidelines for submitting, receiving and responding to complaints. A revised client brochure was also prepared to ensure that clients could easily understand the steps to be followed, should they wish to make a complaint. The guidelines also assist staff in dealing with any complaints received about our policies or procedure or decisions made by Legal Aid NSW and assist us to identify problems and change procedures to prevent similar complaints in the future.

Complaints received

Legal Aid NSW received 328 complaints. Just over half of these (54%) 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 similar to last year.

Timely resolution of complaints

The timely resolution of complaints is a vital part of best practice complaint handling. In 2008-2009 the majority of complaints (60.7%) were resolved within the target time of 21 days.

Appealing decisions

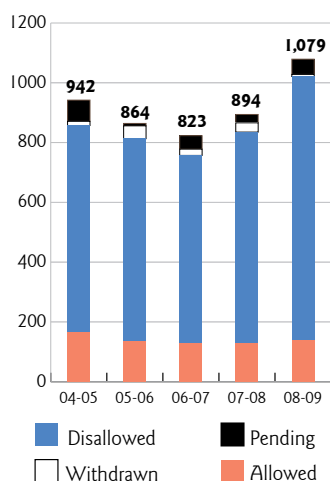
Five Legal Aid Review Committees (LARC) determine appeals that relate to legal aid applications and grants of legal aid.

This year, our review committees allowed appeals in 140 of 1,079 submitted matters (see table below). Membership of our five committees can be found on page 146.

Appeals allowed over five years

There has been a significant increase in the number of appeals over the last five years (from 942 in 2004-2005 to 1,079 in 2008-2009). There has been a decrease in the number of appeals allowed (from 165 to 140) over the same period. As a result, the percentage of appeals allowed has decreased over this time (from 17.51% in 2004-2005 to 12.97% in 2008-2009). A more noticeable decrease has been in the number of appeals withdrawn (from 71 in 2004-2005 to seven in 2008-2009).

APPEALS AND OUTCOMES 5 YEAR TREND



Service review

We completed the first stage of a review aimed at finding ways to improve the administration and processing of appeals. The review recommended the retention of the three-member committee model on the basis that it guarantees a level of procedural fairness that a single person review system cannot guarantee. Some of the key changes that have been implemented as a result of other review recommendations are the use of the ATLAS electronic system to streamline and monitor the appeal process; the introduction of recommended timeframes for the completion of each stage of the appeal process; and early notification to appellants of the estimated time it will take for the appeal to be processed and potential causes of delay.

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 NSW 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 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 plan commenced in the previous reporting

year and a revised plan is in preparation that will cover privacy in relation to our new electronic information systems.

Part 5 of the PPIP Act provides that a person who is aggrieved by the conduct of a public sector agency is entitled to apply for an internal review of that conduct.

No applications for internal review were received during 2008-2009. Investigation of one application was carried over from the previous year and finalised in September 2008.

The year ahead

Complete the second stage of our review of the appeal process, examining issues relating to the preparation of reports for the Legal Aid Review Committees; the possibility of establishing a LARC decisions database; and developing a training module for committee members.

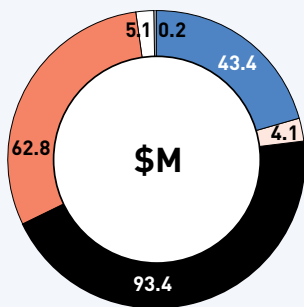
Develop a new privacy management plan, covering privacy for electronic information systems.

Develop a Legal Aid NSW wide central complaints registration system making it easier to analyse and report on complaints received.

Key challenge

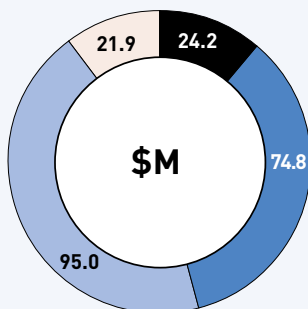
Responding to increased appeals to Legal Aid Review Committees, arising from restrictions on access to aid, particularly in relation to Commonwealth family law matters.

WHERE THE FUNDS COME FROM



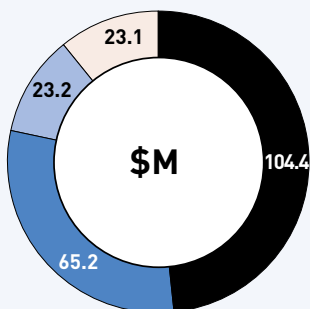
- State Government
- Commonwealth Government
- Contribution Income and Cost Recovery
- Public Purpose Fund
- Interest
- Other

HOW THE FUNDS ARE SPENT



- Salaries
- External Legal Services
- Community Programs
- Other

FUNDS EXPENDITURE BY PROGRAM



- Criminal Law
- Family Law
- Civil Law
- Community Legal Services

FINANCIAL SUMMARY

- Total revenue of \$209.0M
- Total expenses of \$215.9M
- Net equity of \$43.5M

IN THIS SECTION

Financial overview	63
Financial performance	64
Financial statements	65

Financial overview

Funding

Legal Aid NSW receives its income from the Commonwealth and NSW Governments, the Public Purpose Fund and client contributions.

Combined income (excluding impairment gain on receivables) for 2008-2009 was \$209.000 million, and expenditure was \$215.928 million.

Legal Aid NSW undertakes work for the Commonwealth Government on the basis of a five-and-a-half year agency agreement, which ends on 31 December 2009.

We ended the year with a net equity of \$43.5 million

Key developments

- There was an operating deficit of \$6.580 million, primarily due to pre-payment of revenue by the Commonwealth in 2007-2008 for expenses that were incurred in 2008-2009.
- Funding from the Commonwealth Government decreased by \$11.530 million (15.5%)
- The Trustees of the Public Purpose Fund increased their funding by \$5.739 million (15.2%)
- Payments of \$95.005 million were made to private lawyers, who provide legal aid services to our clients in partnership with Legal Aid NSW. These payments include disbursements to other professional services.
- Expenditure on community legal services increased to \$23.069 million.

The year ahead

In 2009-2010 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 pre-determined 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.

GLOSSARY

Public purpose fund

The Public Purpose Fund has been established under the *Legal Profession Act 2004*, (the Act). The fund is administered by the Law Society of NSW under the direction of its four trustees, three of whom are appointed by the Attorney General, and the fourth being the Director-General of the Attorney General's Department. Payments from this fund may be made in respect of costs and expenses incurred by the Law Society, a Council (the Law Society Council or the Bar Council) and

the Legal Services Commissioner in connection with the exercise of their functions under the Act. Payments may also be made from the Fund for certain purposes, including the supplementation of the Legal Aid Fund, the Fidelity Fund and the Law Foundation Fund. Payments may also be made for legal education programs, law reform and improving access to legal information for the people of NSW.

Client contributions

In many 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 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.

Community legal services

Legal Aid NSW provides funding for the Community Legal Centres Funding Program and the Women's Domestic Violence Court Advocacy Program (pages 29-31, 130-131).

Financial performance

OVERVIEW

Legal Aid NSW's financial result was a deficit of \$6.580 million compared to a budgeted surplus of \$2.678 million.

Two significant items contributed to the size of the deficit, being:

- prepayment of income by the Commonwealth in 2007-2008, for use in 2008-2009 on expensive Commonwealth criminal cases; and
- prepayment by the Commonwealth of \$2.202 million in 2007-2008, for distribution to community legal centres in 2008-2009, which is partially offset by a further \$1.563 million received in June 2009 for distribution in 2009-2010.

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 2008-2009, the State Government provided \$93.354 million (\$91.938 million in 2007-2008), the Trustees of the Public Purpose Fund \$43.431 million (\$37.692 million in 2007-2008) and the Commonwealth Government \$62.748 million (\$74.278 million in 2007-2008).

Included in the funding from the Commonwealth Government was \$1.451 million (\$12.754 million in 2007-2008) in discretionary funding for expensive criminal cases costing above \$40,000 under Commonwealth legislation.

Of the funds provided by the State Government, \$3.600 million (\$2.411 million in

2007-2008) was from the State Asset Acquisition program to partially fund improvements to office accommodation, the replacement of previously leased computers, and the project to replace the core business system. No Commonwealth funding was used for this purpose in 2008-2009.

Expenses

Our major expenses are employee-related expenses of \$74.784 million (\$65.979 million in 2007-2008), primarily associated with the inhouse legal practice. This represents an increase of 13.3%, partially arising from a 4% increase in award salary rates and partially arising from additional positions funded by the Public Purpose Fund.

Payments to private lawyers for services provided to clients represent 44.0% of total expenses. These total \$95.005 million (\$91.150 million in 2007-2008).

Assets

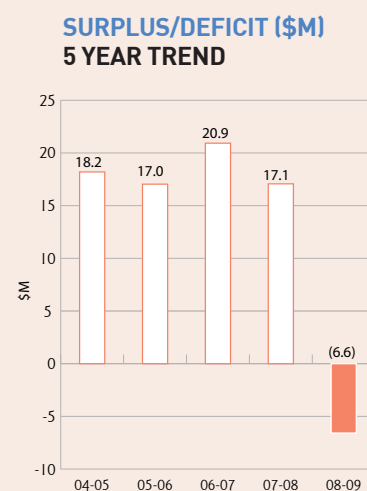
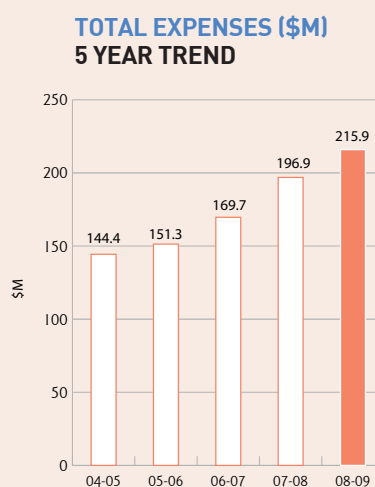
Assets have decreased by \$11.21 million or 9.6% during 2008-2009, mainly due to a decrease in cash balances, caused by higher than budgeted expenses, and a decrease in prepaid superannuation, caused by a decrease in the value of the defined benefit superannuation asset.

Liabilities

Liabilities have increased by \$15.63 million or 33.6% during 2008-2009, mainly due to an increase in the superannuation liability.

TOTAL EXPENSES AND SURPLUS/(DEFICIT)

The two graphs below, show movements in our total expenses and surplus/(deficit) for the year over the past five years. Figures for 2004-2005 to 2007-2008 have been adjusted so that superannuation is treated on a comparable basis in those years to that on which it is treated in the 2008-2009 financial statements.



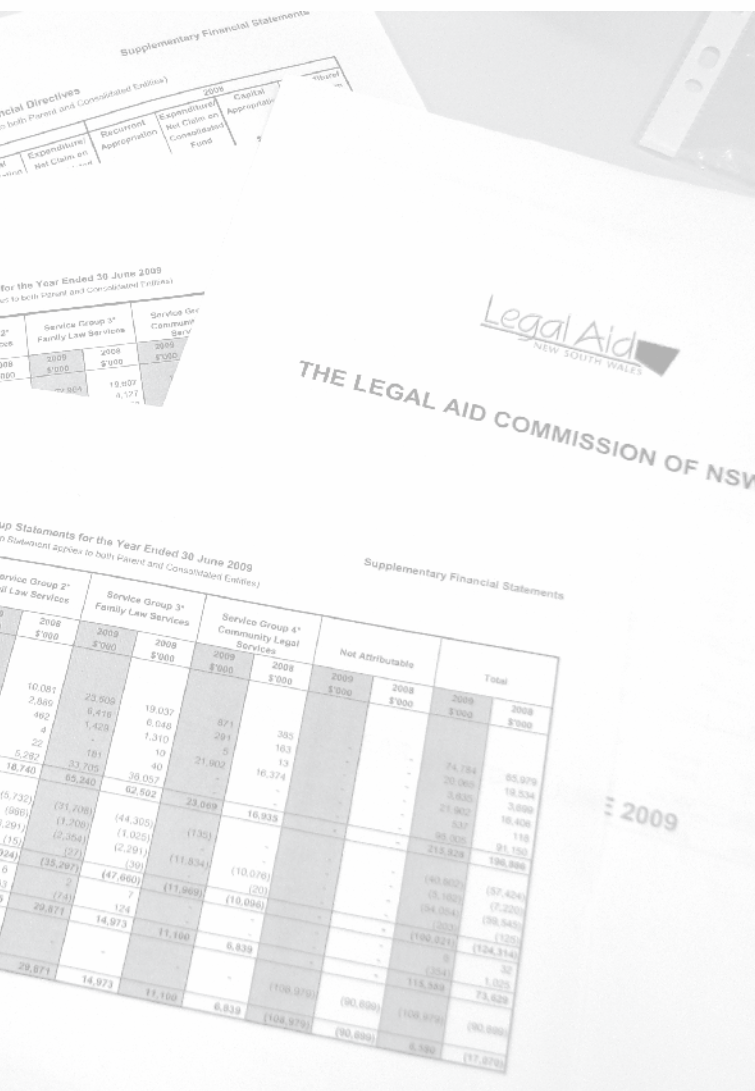
LEGAL AID COMMISSION OF NSW (LEGAL AID NSW) FINANCIALS

IN THIS SECTION

Statement by Members of the Board	66
Independent auditor's report	67
Operating statement	69
Statement of recognised income and expenses	70
Balance sheet	71
Cash flow statement	72
Service group statements	73
Summary of compliance	75

Notes to the financial statements for the year ended 30 June 2009

1(a)-(z) Summary of significant accounting policies	76
2 Expenses	79
3 Revenue	80
4 Loss on disposal	82
5 Other gains/(losses)	82
6 Conditions on contributions	82
7 Appropriations	82
8 Individually significant items	82
9 Acceptance by the crown entity of employee entitlements and other liabilities	83
10 Transfer payments	83
11 Service groups/activities of Legal Aid NSW	83
12 Current assets – cash and cash equivalents	84
13 Current/non-current assets – receivables	84
14 Non-current assets—plant and equipment	85
15 Intangible assets	85
16 Current assets—other	85
17 Current liabilities – payables	86
18 Current/non-current liabilities—provisions	86
19 Superannuation fund information	87
20 Changes in equity	93
21 Commitments for expenditure	94
22 Contingent liabilities and contingent assets	94
23 Budget review	95
24 Reconciliation of cash flows from operating activities to net cost of services	96
25 Trust funds	96
26 Financial instruments	97
27 Related party	100
28 After balance date events	100



The Legal Aid Commission of NSW (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 2008–2009 or 2007–2008.

Statement by members of the Board

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 Board 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 2009 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.



Phillip Taylor
Chair

19 Oct 2009



Alan Kirkland
Chief Executive Officer

Independent auditors' report



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 2009, the operating statement, statement of recognised income and expense, cash flow statement, service group statements 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 2009, and of their financial performance 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 entity'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 entity'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.

Independent auditors' 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.

S Bond .

Sally Bond
Director, Financial Audit Services

20 October 2009
SYDNEY



START OF AUDITED FINANCIAL STATEMENTS

Operating Statement for the year ended 30 June 2009

	Notes	Consolidated			Parent	
		Actual 2009 \$'000	Budget 2009 \$'000	Actual 2008 \$'000	Actual 2009 \$'000	Actual 2008 \$'000
Expenses excluding losses						
Operating expenses						
Employee related	2(a)	74,784	72,609	65,979	-	-
Personnel services	2(a)	-	-	-	95,043	73,147
Other operating expenses	2(b)	20,065	17,625	19,534	20,065	19,534
Depreciation and amortisation	2(c)	3,635	2,722	3,699	3,635	3,699
Grants and subsidies	2(d)	21,902	17,237	16,406	21,902	16,406
Finance costs	2(e)	537	-	118	537	118
Other expenses	2(f)	95,005	83,188	91,150	95,005	91,150
Total Expenses excluding losses		215,928	193,381	196,886	236,187	204,054
Less:						
Revenue						
Sale of goods and services	3(a)	40,602	50,325	57,424	40,602	57,424
Investment revenue	3(b)	5,162	5,404	7,220	5,162	7,220
Grants and contributions	3(c)	54,054	47,785	59,545	54,054	59,545
Other revenue	3(d)	203	-	125	203	125
Total Revenue		100,021	103,514	124,314	100,021	124,314
Gain/(Loss) on Disposal	4	(6)	-	(32)	(6)	(32)
Other Gains / (Losses)	5	354	-	(1,025)	354	(1,025)
Net Cost of Services	24	115,559	89,867	73,629	135,818	80,797
Government Contributions						
Recurrent appropriation	6(a)	105,379	88,945	88,288	105,379	88,288
Capital appropriation	6(b)	3,600	3,600	2,411	3,600	2,411
Total Government Contributions		108,979	92,545	90,699	108,979	90,699
SURPLUS/(DEFICIT) FOR THE YEAR		(6,580)	2,678	17,070	(26,839)	9,902

The accompanying notes form part of these financial statements.

Statement of Recognised Income and Expenses for the year ended 30 June 2009

	Notes	Consolidated			Parent	
		Actual 2009 \$'000	Budget 2009 \$'000	Actual 2008 \$'000	Actual 2009 \$'000	Actual 2008 \$'000
Superannuation actuarial (losses)/gains		(20,259)	-	(8,437)	-	-
Adjustment for limit on net asset		-	-	1,269	-	-
TOTAL INCOME AND EXPENSE RECOGNISED DIRECTLY IN EQUITY		(20,259)	-	(7,168)	-	-
Surplus/(Deficit) for the Year		(6,580)	2,678	17,070	-	-
TOTAL INCOME AND EXPENSE RECOGNISED FOR THE YEAR	20	(26,839)	2,678	9,902	-	-
EFFECT OF CHANGE IN ACCOUNTING POLICY						
Surplus for the year as reported in 2008		-	-	9,902	-	-
Change of policy						
Actuarial losses	1(x)	-	-	8,437	-	-
Adjustment for limit on net asset	1(x)	-	-	(1,269)	-	-
RESTATED SURPLUS FOR THE YEAR		-	-	17,070	-	-

The accompanying notes form part of these financial statements.

Balance Sheet as at 30 June 2009

	Notes	Consolidated			Parent	
		Actual 2009 \$'000	Budget 2009 \$'000	Actual 2008 \$'000	Actual 2009 \$'000	Actual 2008 \$'000
ASSETS						
Current Assets						
Cash and cash equivalents	12	81,975	95,170	89,665	81,975	89,665
Receivables	13	6,293	6,408	5,892	6,293	5,892
Other	16	-	4,705	4,705	-	4,705
Total Current Assets		88,268	106,283	100,262	88,268	100,262
Non-Current Assets						
Receivables	13	2,432	2,313	2,310	2,432	2,310
Plant and equipment	14	8,701	9,800	9,625	8,701	9,625
Intangible assets	15	6,258	6,127	4,674	6,258	4,674
Total Non-Current Assets		17,391	18,240	16,609	17,391	16,609
Total Assets		105,659	124,523	116,871	105,659	116,871
LIABILITIES						
Current Liabilities						
Payables	17	23,834	31,046	24,983	23,834	24,983
Provisions	18	34,283	18,261	18,260	34,283	18,260
Total Current Liabilities		58,117	49,307	43,243	58,117	43,243
Non-Current Liabilities						
Provisions	18	4,042	2,199	3,289	4,042	3,289
Total Non-Current Liabilities		4,042	2,199	3,289	4,042	3,289
Total Liabilities		62,159	51,506	46,532	62,159	46,532
Net Assets		43,500	73,017	70,339	43,500	70,339
EQUITY						
Accumulated Funds	20	43,500	73,017	70,339	43,500	70,339
Total Equity		43,500	73,017	70,339	43,500	70,339

The accompanying notes form part of these financial statements.

Cash Flow Statement for the year ended 30 June 2009

	Notes	Consolidated			Parent	
		Actual 2009 \$'000	Budget 2009 \$'000	Actual 2008 \$'000	Actual 2009 \$'000	Actual 2008 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee related		(73,655)	(72,608)	(66,925)	-	-
Grants and subsidies		(21,853)	(17,237)	(16,454)	(21,853)	(16,454)
Personnel services		-	-	-	(73,655)	(66,925)
Other		(129,962)	(104,248)	(119,756)	(129,962)	(119,756)
Total Payments		(225,470)	(194,093)	(203,135)	(225,470)	(203,135)
Receipts						
Sale of goods and services		39,631	49,806	57,684	39,631	57,684
Interest received		5,471	5,404	6,803	5,471	6,803
Other		67,996	56,193	72,079	67,996	72,079
Total Receipts		113,098	111,403	136,566	113,098	136,566
Cash Flows from Government						
Recurrent appropriation		105,379	88,945	88,288	105,379	88,288
Capital appropriation		3,600	3,600	2,411	3,600	2,411
Net Cash Flows from Government		108,979	92,545	90,699	108,979	90,699
NET CASH FLOWS FROM OPERATING ACTIVITIES	24	(3,393)	9,855	24,130	(3,393)	24,130
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant and equipment		54	-	1	54	1
Purchases of plant and equipment		(4,351)	(4,350)	(5,881)	(4,351)	(5,881)
Other		-	-	-	-	-
NET CASH FLOWS FROM INVESTING ACTIVITIES		(4,297)	(4,350)	(5,880)	(4,297)	(5,880)
NET INCREASE/(DECREASE) IN CASH		(7,690)	5,505	18,250	(7,690)	18,250
Opening cash and cash equivalents		89,665	89,665	71,415	89,665	71,415
CLOSING CASH AND CASH EQUIVALENTS	12	81,975	95,170	89,665	81,975	89,665

The accompanying notes form part of these financial statements.

Service Group Statements for the year ended 30 June 2009

(The Service Group Statement applies to both Parent and Consolidated Entities)

AGENCY EXPENSES AND REVENUES	Service Group 1* Criminal Law Services		Service Group 2* Civil Law Services		Service Group 3* Family Law Services		Service Group 4* Community Legal Services		Not Attributable		Total		
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	
Expenses excluding losses													
Operating expenses													
Employee related/personnel services	38,066	36,476	12,338	10,081	23,509	19,037	871	385	-	-	74,784	65,979	
Other operating expenses	9,893	10,434	3,465	2,889	6,416	6,048	291	163	-	-	20,065	19,534	
Depreciation and amortisation	1,743	1,914	458	462	1,429	1,310	5	13	-	-	3,635	3,699	
Grants and subsidies	-	18	-	4	-	10	21,902	16,374	-	-	21,902	16,406	
Finance costs	264	56	92	22	181	40	-	-	-	-	537	118	
Other Expenses	54,444	49,811	6,856	5,282	33,705	36,057	-	-	-	-	95,005	91,150	
Total Expenses excluding losses	104,410	98,709	23,209	18,740	65,240	62,502	23,069	16,935	-	-	215,928	196,886	
Revenue													
Sale of goods and services	(3,875)	(7,387)	(4,884)	(5,732)	(31,708)	(44,305)	(135)	-	-	-	(40,602)	(57,424)	
Investment revenue	(3,311)	(5,209)	(643)	(986)	(1,208)	(1,025)	-	-	-	-	(5,162)	(7,220)	
Grants and contributions	(32,499)	(40,887)	(7,367)	(6,291)	(2,354)	(2,291)	(11,834)	(10,076)	-	-	(54,054)	(59,545)	
Other revenue	(157)	(51)	(19)	(15)	(27)	(39)	-	(20)	-	-	(203)	(125)	
Total Revenue	(39,842)	(53,534)	(12,913)	(13,024)	(35,297)	(47,660)	(11,969)	(10,096)	-	-	(100,021)	(124,314)	
(Gain)/loss on disposal	3	19	1	6	2	7	-	-	-	-	6	32	
Other (gains)/losses	168	798	(448)	103	(74)	124	-	-	-	-	(354)	1,025	
Net Cost of Services	64,739	45,992	9,849	5,825	29,871	14,973	11,100	6,839	-	-	115,559	73,629	
Government Contributions **													
	-	-	-	-	-	-	-	-	(108,979)	(90,699)	(108,979)	(90,699)	
NET EXPENDITURE / (REVENUE) FOR THE YEAR	64,739	45,992	9,849	5,825	29,871	14,973	11,100	6,839	(108,979)	(90,699)	6,580	(17,070)	

* The name and purpose of each Service Group is summarised in Note 11.

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

Service Group Statements for the year ended 30 June 2009

(The Service Group Statement applies to both Parent and Consolidated Entities)

AGENCY ASSETS AND LIABILITIES	Service Group 1* Criminal Law Services		Service Group 2* Civil Law Services		Service Group 3* Family Law Services		Service Group 4* Community Legal Services		Not Attributable		Total	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
Current Assets												
Cash and cash equivalents	49,836	60,228	7,582	7,628	22,994	19,607	1,563	2,202			81,975	89,665
Receivables	1,006	1,151	759	612	4,510	4,127	18	2			6,293	5,892
Other	-	2,601	-	719	-	1,358	-	27			-	4,705
Total Current Assets	50,842	63,980	8,341	8,959	27,504	25,092	1,581	2,231	-	-	88,268	100,262
Non-Current Assets												
Receivables	389	451	293	240	1,743	1,618	7	1			2,432	2,310
Plant and equipment	4,429	5,321	1,436	1,471	2,735	2,777	101	56			8,701	9,625
Intangible assets	3,186	2,584	1,032	714	1,967	1,349	73	27			6,258	4,674
Total Non-Current Assets	8,004	8,356	2,761	2,425	6,445	5,744	181	84	-	-	17,391	16,609
TOTAL ASSETS	58,846	72,336	11,102	11,384	33,949	30,836	1,762	2,315	-	-	105,659	116,871
Current Liabilities												
Payables	12,855	13,678	2,845	2,581	7,988	8,646	146	78			23,834	24,983
Provisions	17,451	10,094	5,656	2,790	10,777	5,269	399	107			34,283	18,260
Total Current Liabilities	30,306	23,772	8,501	5,371	18,765	13,915	545	185	-	-	58,117	43,243
Non-Current Liabilities												
Provisions	2,058	1,818	666	503	1,271	949	47	19			4,042	3,289
Total Non-Current Liabilities	2,058	1,818	666	503	1,271	949	47	19	-	-	4,042	3,289
TOTAL LIABILITIES	32,364	25,590	9,167	5,874	20,036	14,864	592	204	-	-	62,159	46,532
NET ASSETS	26,482	46,746	1,935	5,510	13,913	15,972	1,170	2,111	-	-	43,500	70,339

* The name and purpose of each Service Group is summarised in Note 11.

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

Summary of Compliance with Financial Directives

SUPPLEMENTARY FINANCIAL STATEMENTS

(The Summary of Compliance with Financial Directives applies to both Parent and Consolidated Entities)

	2009				2008			
	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	88,945	88,793	3,600	3,600	88,432	88,288	2,411	2,411
Additional appropriations	-	-	-	-	-	-	-	-
S21A PF&AA - special appropriation	-	-	-	-	-	-	-	-
S24 PF&AA - transfers of functions between departments	-	-	-	-	-	-	-	-
S26 PF&AA - Commonwealth specific purpose payments	16,586	16,586	-	-	-	-	-	-
	105,531	105,379	3,600	3,600	88,432	88,288	2,411	2,411
OTHER APPROPRIATIONS/ EXPENDITURE								
Treasurer's Advance	-	-	-	-	-	-	-	-
Section 22 - expenditure for certain works and services	-	-	-	-	-	-	-	-
Transfers to / from another agency (s31 of the Appropriation Act)	(152)	-	-	-	-	-	-	-
	(152)	-	-	-	-	-	-	-
Total Appropriations/Expenditure/Net Claim on Consolidated Fund (includes transfer payments)	105,379	105,379	3,600	3,600	88,432	88,288	2,411	2,411
Amount drawn down against Appropriation		105,379		3,600		88,432		2,411
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 2009

I SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**(a) Reporting Entity**

The Legal Aid Commission of 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 the Legal Aid Commission of NSW, as the Legal Aid Commission of 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. The Legal Aid Commission of 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 2009 has been authorised for issue by the Board on 19 October 2009.

(b) Basis of Preparation

The Legal Aid Commission of 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

The Legal Aid Commission of 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. The Legal Aid Commission of NSW had no liability to the Consolidated Fund as at 30 June 2009 (\$144,000 in 2008).

Australian Commonwealth Government funding for legal aid matters has previously been paid directly to the Legal Aid Commission of NSW and recognised as "Sale of Goods and Services". From 1 April 2009, as part of the new funding arrangements approved by Council of Australian Governments, (COAG), all payments are now made via the Consolidated Fund. As a result "Sale of Goods and Services" have decreased with a commensurate increase in Government Contributions.

(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 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 twelve months is measured at present value in accordance with AASB 119 *Employee Benefits*.

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 09/04) 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 7.74% (3.94% in 2007/08). Where Legal Aid Commission of NSW does not have the unconditional right to defer settlement beyond twelve months, the liability is recognised as a current liability.

Legal Aid Commission of NSW'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 length through independent fund managers. Any variation between Legal Aid Commission of NSW's gross superannuation liability and employer reserve account balance is recognised in the Balance Sheet as an unfunded liability or prepaid contribution. Refer Notes 2(a), 8 & 19.

(iii) Personnel Services

To enable Legal Aid Commission of 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

Notes to the Financial Statements for the year ended 30 June 2009

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 5.52%, which reflects the current market assessments of the time value of money and the risks specific to the liability.

(g) Insurance

Legal Aid Commission of 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 Commission of NSW as a purchaser that is not recoverable from the Australian Taxation Office 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 Commission of 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 Commission of 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 Commission of 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 Commission of 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	25	
Computer Replacement Projects	25	
Office Equipment	15	
Fitout (includes Furniture and Fittings)	12.5	Or the term of lease

In the past, Computer Equipment was depreciated at 20-25% per annum. In 2008/09 a review of each class of assets led to the standardisation of depreciation rates for Computer Equipment at 25%.

(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 Commission of 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 21(c)

(q) Intangible Assets

Legal Aid Commission of NSW recognises intangible assets only if it is probable that future economic benefits will flow to Legal Aid Commission of 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 Commission of NSW's intangible assets, the assets are carried at cost less any accumulated amortisation. Legal Aid Commission of NSW's intangible assets are amortised using the straight line method over a period of 4 years. Refer Note 2(c) and 15.

In the past, Intangible Assets were depreciated at 20% per annum. In 2008/09 a review of each class of assets led to the standardisation of depreciation rates for Intangible Assets at 25%.

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.

Notes to the Financial Statements for the year ended 30 June 2009

(s) Impairment of financial assets

An allowance for impairment is established for Legal Aid Commission of NSW's receivables where there is objective evidence that Legal Aid Commission of 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.

The actuarial firm "Finity Consulting Pty Limited" were engaged to undertake the calculation of Impairment of Financial Assets for 2008/09.

(t) Trust Funds

Legal Aid Commission of NSW receives monies in a trustee capacity for trusts as set out in Note 25. As Legal Aid Commission of NSW performs a custodial role in respect of these monies, and because the monies cannot be used for the achievement of Legal Aid Commission of 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 Commission of NSW accrues the estimated net cost of work in progress by external legal practitioners who have not submitted claims to Legal Aid Commission of NSW at balance date. The estimation is based on all files finalised in the past 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.

The actuarial firm "Finity Consulting Pty Limited" were engaged to undertake the calculation of Work-in-Progress and Legal Commitments for 2008/09.

(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 - superannuation

In 2008/09, NSW Treasury mandated a change in policy for all NSW public sector agencies to recognise actuarial gains and losses immediately outside profit and loss in the year in which they occur. Previously actuarial gains and losses were recognised in profit or loss. This change in policy must be applied retrospectively, as advised in NSW Treasury Circular NSWTC 09/01.

The change in policy has been adopted on the basis that recognition outside profit or loss provides reliable and more relevant information as it better reflects the nature of actuarial gains and losses. This is because actuarial gains/losses are re-measurements, based on assumptions that do not necessarily reflect the ultimate cost of providing superannuation.

Recognition outside profit and loss also harmonises better with Government Finance Statistics/ GAAP comprehensive income presentation for the whole of government and general government sector, required under AASB 1049 *Whole of Government and General Government Sector Financial Reporting*. A comprehensive income presentation will also be available at the entity level from 2009/10 under AASB 101 *Presentation of Financial Statements*.

The change in accounting policy decreases the 2008/09 deficit for the year from \$26.839m to \$6.580m (2008: \$9.902m to \$17.070m increase in surplus), by excluding from profit the superannuation actuarial loss and adjustment for limit on net asset line items (2009: \$20.259m; 2008: \$7.168m). These items are now recognised in the 'statement of recognised income and expense' rather than the 'income statement'.

(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 2009 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 3 (March 2008), AASB 127 and AASB 2008-3 regarding business combinations;
- AASB 8 and AASB 2007-3 regarding operating segments;
- AASB 101 (Sept 2007), AASB 2007-8 and AASB 2007-10 regarding presentation of financial statements;
- AASB 123 (June 2007) and AASB 2007-6 regarding borrowing costs;
- AASB 1039 regarding concise financial reports;
- AASB 2008-1 regarding share based payments;
- AASB 2008-2 regarding puttable financial instruments.

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 Commission of NSW.

(z) Comparatives

Except when an Australian Accounting Standard permits or requires otherwise, comparative information is disclosed in respect of the previous period for all amounts reported in the financial statements.

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
2 EXPENSES				
(a) Employee related expenses and personnel services				
Employee related expenses				
Salaries and wages (including recreation leave)	63,248	56,397	-	-
Superannuation - defined benefit plans *	(68)	(326)	-	-
Superannuation - defined contribution plans	4,571	3,940	-	-
Long service leave	2,280	1,796	-	-
Workers' compensation insurance	563	251	-	-
Payroll tax and fringe benefits tax	4,190	3,921	-	-
Total	74,784	65,979	-	-

The Legal Aid Commission of NSW does not employ staff that are directly involved in day-to-day servicing or maintenance. Employee related expenses of \$0.397m were capitalised to fixed assets in 2008/09 (\$0.592m in 2007/08).

* Refer Note 19. Superannuation actuarial losses and adjustment for limit on net asset of \$20.259m (2008: \$7.168m) are recognised in the 'statement of recognised income and expense'. Total superannuation expense, including actuarial losses recognised in the 'statement of income and expense' is \$24.762m (2008: \$10.782m).

Personnel services

Personnel services provided by the Office of the Legal Aid Commission	-	-	95,043	73,147
Total	-	-	95,043	73,147

(b) Other operating expenses

Other operating expenses include the following:

Operating lease rental expense - minimum lease payments	7,620	6,397	7,620	6,397
Telephone	414	568	414	568
Library resources	702	698	702	698
Consultants	425	393	425	393
Contractors	923	1,938	923	1,938
Stationery, stores and provisions	660	608	660	608
Computer running costs	2,339	1,872	2,339	1,872
Printing	666	437	666	437
Records management	760	610	760	610
Travel	868	974	868	974
Interpreters' fees (non-case)	378	271	378	271
Postage	463	372	463	372
Cleaning	253	258	253	258
Practicing certificates	256	219	256	219
Electricity and gas	234	248	234	248
Insurance	83	92	83	92
Auditor's remuneration - audit or review of financial reports	131	160	131	160
Internal audit and audit of Trust Account	88	150	88	150
Courier and freight	59	96	59	96
Maintenance	602	535	602	535
Other	2,141	2,638	2,141	2,638
Total	20,065	19,534	20,065	19,534

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
(c) Depreciation and amortisation expenses				
Depreciation				
Fit-out costs - office accommodation	1,421	1,363	1,421	1,363
Other plant and equipment	1,565	1,552	1,565	1,552
Total	2,986	2,915	2,986	2,915
Amortisation				
Software	649	784	649	784
Total	649	784	649	784
Total	3,635	3,699	3,635	3,699
Refer Notes 1(m), 1(q), 14 & 15.				
(d) Grants and subsidies				
Domestic Violence Court Assistance Program	4,140	4,187	4,140	4,187
Community Legal Centres	17,428	12,188	17,428	12,188
Cooperative Legal Service Delivery Program	322	31	322	31
Other	12	-	12	-
Total	21,902	16,406	21,902	16,406
Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.				
(e) Finance costs				
Unwinding of discount rate	537	118	537	118
Total	537	118	537	118
(f) Other expenses				
Solicitor services provided by private practitioners	63,961	59,523	63,961	59,523
Barrister services provided by private practitioners	20,150	20,439	20,150	20,439
Disbursements	10,894	11,188	10,894	11,188
Total	95,005	91,150	95,005	91,150

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	1,260	1,458	1,260	1,458
Criminal Law	1,461	1,522	1,461	1,522
Civil Law	1,376	761	1,376	761
Commonwealth funding ¹	36,505	53,683	36,505	53,683
Total	40,602	57,424	40,602	57,424

¹ Base funding of \$53.091m (\$53.683m in 2007/08) was received from the Commonwealth Government under the Provision of Legal Assistance Agreement. This is an agreement between Legal Aid Commission of NSW and the Commonwealth and it commenced on 1 July 2004. In April 2009, the funding arrangements changed so that the funding provided by the Commonwealth is paid to the Legal Aid Commission via a State Appropriation. These new arrangements were approved by the Council of Australian Governments (COAG). As a result, "Sale of Goods and Services" was reduced by the fourth quarter payment from the Commonwealth of \$16.586m with a commensurate increase in State Appropriations.

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
(b) Investment revenue				
Interest on outstanding accounts	99	124	99	124
Interest on cash assets	5,063	7,096	5,063	7,096
Total	5,162	7,220	5,162	7,220
Refer to Notes 1(e)(iii) & 26(b)				
(c) Grants and contributions				
Law Society Public Purpose Fund ¹	43,431	37,692	43,431	37,692
Commonwealth Government Community Legal Centre base grants ²	7,943	7,467	7,943	7,467
Other grants and contributions ³	2,680	14,386	2,680	14,386
Total	54,054	59,545	54,054	59,545
¹ This fund provided a grant of \$39.788m (\$35.009m in 2007/08) to provide legal aid services in State matters.				
Other specific grants from this fund include:				
• Environmental Defenders Office	1,158	1,119	1,158	1,119
• Public Interest Advocacy Centre	610	589	610	589
• Children's Court Assistance Scheme	235	385	235	385
• Homeless Persons	520	274	520	274
• Older Persons Legal Service	600	316	600	316
• Financial Hardship and Mortgage Stress	520	-	520	-
Total	3,643	2,683	3,643	2,683
² \$7.943m in Community Legal Centre (CLC) base grants (\$7.467m in 2007/08) 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.				
³ Other Grants and contributions include:				
• Part of the Commonwealth Government Community Legal Centre base grants used to meet administrative costs	102	100	102	100
• Commonwealth Government special purposes funds for refugee matters under separate contract	237	219	237	219
• Commonwealth Government funding for the cooperative legal service delivery model (CLSD)	-	55	-	55
• State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	175	169	175	169
• State Attorney General's Department Youth Drug Court	217	215	217	215
• Youth Conduct Order (YCO) Scheme	120	-	120	-
• State Attorney General's Department - to establish and run video conferencing facilities within Legal Aid NSW	373	855	373	855
• Commonwealth Government special funding for expensive criminal cases	1,451	12,754	1,451	12,754
• Other	5	19	5	19
Total	2,680	14,386	2,680	14,386
(d) Other revenue				
Miscellaneous	203	125	203	125
Total	203	125	203	125

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
4 LOSS ON DISPOSAL				
Loss on disposal of plant and equipment				
Proceeds from disposal	54	1	54	1
Less: Written down value of assets disposed	60	33	60	33
Total	(6)	(32)	(6)	(32)
5 OTHER GAINS/(LOSSES)				
Impairment gain/(loss) on receivables	354	(1,025)	354	(1,025)
Total	354	(1,025)	354	(1,025)
6 APPROPRIATIONS				
(a) Recurrent Appropriations				
Total recurrent drawdowns from Treasury (per Summary of Compliance) ¹	105,379	88,288	105,379	88,288
Total	105,379	88,288	105,379	88,288
Comprising:				
Recurrent appropriations (per Operating Statement)	105,379	88,288	105,379	88,288
Total	105,379	88,288	105,379	88,288
(b) Capital Appropriations				
Total capital drawdowns from Treasury (per Summary of Compliance)	3,600	2,411	3,600	2,411
Total	3,600	2,411	3,600	2,411
Comprising:				
Capital appropriations (per Operating Statement)	3,600	2,411	3,600	2,411
Total	3,600	2,411	3,600	2,411

¹The Commonwealth Government under the Provision of Legal Assistance Agreement provides funding to the Legal Aid Commission of NSW. In April 2009, the funding arrangements changed so that the funding provided by the Commonwealth is paid to the Legal Aid Commission via a State Appropriation. These new arrangements were approved by the Council of Australian Governments (COAG). As a result, "Sale of Goods and Services" was reduced by the fourth quarter payment from the Commonwealth of \$16.586m with a commensurate increase in State Appropriations.

7 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 \$4.761m of unspent funds at 30 June 2009 to be utilised in future years (\$9.360m was carried forward at 30 June 2008).

8 INDIVIDUALLY SIGNIFICANT ITEMS

The Legal Aid Commission of NSW's financial position for the State Authorities Superannuation schemes shows a net liability of \$13.759m at 30 June 2009 (\$4.705m net asset in 2007/08), resulting in \$1.795m being taken up as a reduction to the superannuation expense for the year (\$2.132m reduction in 2007/08). In 2008/09, superannuation actuarial losses of \$20.259m are recognised outside of profit or loss in the statement of recognised income and expense (2008: \$7.168m)

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
State Authorities Superannuation schemes surplus/(deficit) - Operating Statement	1,795	2,132	-	-
State Authorities Superannuation schemes (deficit)- Statement of Recognised Income and Expense	(20,259)	(7,168)	-	-
Total	(18,464)	(5,036)	-	-

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 have been incurred in 2008/09.

The Commonwealth also provided funding for Community Legal Centres (\$2.2m) in late 2007/08. Expenses relating to this funding were incurred in 2008/09.

Commonwealth Funding received in 2007/08 for Expensive Criminal Cases for expenses which were incurred in 2008/09.

Commonwealth Funding received in 2007/08 for Community Legal Centres which was paid to them in 2008/09

Commonwealth Funding received in 2008/09 for Community Legal Centres which was paid to them in 2009/10.

	-	6,694	-	6,694
		2,202	-	2,202
	1,563	-	1,563	-
Total	1,563	8,896	1,563	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

The Legal Aid Commission of NSW did not have any transfer payments in 2008/09 (nil in 2007/08).

11 SERVICE GROUPS/ACTIVITIES OF LEGAL AID NSW

Service Group 1—Criminal Law Services

This service group covers the provision of legal assistance and counsel to those facing criminal charges.

Service Group 2—Civil Law Services

This service group covers the provision of law services to clients who require advice on matters such as housing, consumer and human rights law, with a strong emphasis on protection of legal rights in disadvantaged communities.

Service Group 3—Family Law Services

This service group covers the provision of assistance to families in domestic or statutory disputes in areas such as divorce and parenting arrangements and cases of child abuse and/or neglect.

Service Group 4—Community Partnerships

This service group covers funding of community organisations for specific purposes, in particular to provide specialised assistance for women and children seeking legal protection from domestic violence.

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
12 CURRENT ASSETS - CASH AND CASH EQUIVALENTS				
Cash at bank and on hand	8,616	8,124	8,616	8,124
Short term deposits	73,359	81,541	73,359	81,541
Total Cash	81,975	89,665	81,975	89,665

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)	81,975	89,665	81,975	89,665
Closing cash and cash equivalents (per Cash Flow Statement)	81,975	89,665	81,975	89,665

Refer Note 26 for details regarding credit risk, liquidity risk and market risk arising from financial instruments.

The Legal Aid Commission of NSW has a business credit card facility of \$0.017m (\$0.015m in 2007/08), 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	1,755	1,014	1,755	1,014
Less: Allowance for impairment	199	155	199	155
	1,556	859	1,556	859
Other debtors	312	470	312	470
GST recoverable from Australian Taxation Office	3,360	3,340	3,360	3,340
Prepayments	1,065	1,223	1,065	1,223
Total Current	6,293	5,892	6,293	5,892

Non-Current

Sale of goods and services	3,225	3,728	3,225	3,728
Less: Allowance for impairment	793	1,418	793	1,418
Total Non-Current	2,432	2,310	2,432	2,310

Movement in the allowance for impairment

Balance at 1 July	1,573	1,178	1,573	1,178
Amounts written off during the year	(227)	(671)	(227)	(671)
Amounts recovered during the year	11	12	11	12
Increase/(decrease) in allowance	(365)	1,054	(365)	1,054
Balance at 30 June	992	1,573	992	1,573

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 26.

Receivables from the sale of goods and services (both current and non-current) in the amount of \$2.813m (\$2.836m in 2007/08) are secured by way of caveat.

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
14 NON-CURRENT ASSETS - PLANT AND EQUIPMENT				
Previous 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
Current year				
Gross Carrying Amount	26,261	25,161	26,261	25,161
Less: Accumulated depreciation and impairment	17,560	15,536	17,560	15,536
Net Carrying Amount at Fair Value	8,701	9,625	8,701	9,625

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	9,625	9,694	9,625	9,694
Additions	2,123	2,878	2,123	2,878
Disposals	(1,025)	(561)	(1,025)	(561)
Depreciation expense	(2,986)	(2,915)	(2,986)	(2,915)
Write back on disposal	964	529	964	529
Net carrying amount at end of year	8,701	9,625	8,701	9,625

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

15 INTANGIBLE ASSETS

Previous 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

Current year

Gross Carrying Amount	10,357	8,130	10,357	8,130
Less: Accumulated depreciation and impairment	4,099	3,456	4,099	3,456
Net Carrying Amount at Fair Value	6,258	4,674	6,258	4,674

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	4,674	2,455	4,674	2,455
Additions (from internal development)	1,395	529	1,395	529
Additions (acquired separately)	838	2,474	838	2,474
Disposals	-	-	-	-
Amortisation (recognised in "depreciation and amortisation")	(649)	(784)	(649)	(784)
Net carrying amount at end of year	6,258	4,674	6,258	4,674

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

16 CURRENT ASSETS - OTHER

Prepaid Superannuation (Refer Note 19)	-	4,705	-	-
Receivable from the Office of the Legal Aid Commission	-	-	-	4,705
Total	-	4,705	-	4,705

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
17 CURRENT LIABILITIES - PAYABLES				
Accrued salaries, wages and on-costs	1,400	832	-	-
Office of the Legal Aid Commission - accrued salaries, wages and on-costs	-	-	1,400	832
Creditors - Legal	207	1,114	207	1,114
Creditors - Administrative	2,850	3,826	2,850	3,826
Prepaid grants received	-	43	-	43
Liability to Consolidated Fund	-	144	-	144
Accrual of estimated legal expenses ¹	19,377	19,024	19,377	19,024
Total	23,834	24,983	23,834	24,983
¹ Being accrual of the estimated net cost of work in progress by external legal practitioners who have not submitted claims to the Legal Aid Commission of NSW at balance date. Refer to Notes 1(v) & 2(f).				
18 CURRENT/NON-CURRENT LIABILITIES - PROVISIONS				
Current				
Employee benefits and related on-costs				
Provision for recreation leave to be taken within 12 months	5,150	4,866	-	-
Provision for recreation leave to be taken after 12 months	975	941	-	-
Provision for long service leave to be taken within 12 months	1,130	1,310	-	-
Provision for long service leave to be taken after 12 months	10,672	9,383	-	-
Provision for related on-costs	2,597	1,760	-	-
Superannuation Liability (Refer Note 19)	13,759	-	-	-
Payable to the Office of the Legal Aid Commission - Superannuation	-	-	13,759	-
Office of the Legal Aid Commission - provision for personnel services	-	-	20,524	18,260
Total Current	34,283	18,260	34,283	18,260
Non-Current				
Employee benefits and related on-costs				
Provision for long service leave	1,491	1,383	-	-
Provision for related on-costs	306	198	-	-
Office of the Legal Aid Commission - provision for personnel services	-	-	1,797	1,581
	1,797	1,581	1,797	1,581
Other Provisions				
Restoration costs ¹	2,245	1,708	2,245	1,708
	2,245	1,708	2,245	1,708
Total Non-Current	4,042	3,289	4,042	3,289
Aggregate employee benefits and related on-costs				
Provisions - current	34,283	18,260	-	-
Provisions - non-current	1,797	1,581	-	-
Accrued salaries, wages and on-costs (Note 17)	1,400	832	-	-
	37,480	20,673	-	-

Notes to the Financial Statements for the year ended 30 June 2009

Consolidated		Parent	
2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'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	1,708	1,590	1,708	1,590
Additional provisions recognised	-	-	-	-
Amounts used	-	-	-	-
Unused amounts reversed	-	-	-	-
Unwinding / change in the discount rate	537	118	537	118
Carrying amount at end of financial year	2,245	1,708	2,245	1,708

19 SUPERANNUATION FUND INFORMATION

The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:

- State Authorities Superannuation Scheme (SASS)
- State Superannuation Scheme (SSS).
- State Authorities Non-contributory Superannuation Scheme (SANCS)

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.

Accounting policy

In 2008/09, NSW Treasury mandated a change in policy for all NSW public sector agencies to recognise actuarial gains and losses immediately outside profit and loss in the year in which they occur. Previously actuarial gains and losses were recognised in profit or loss. This change in policy must be applied retrospectively, as advised in NSW Treasury Circular NSWTC 09/01.

Fund assets

The percentage invested in each asset class at the balance sheet dates:

	30 June 2009	30 June 2008
Australian equities	32.1%	31.6%
Overseas equities	26.0%	25.4%
Australian fixed interest securities	6.2%	7.4%
Overseas fixed interest securities	4.7%	7.5%
Property	10.0%	11.0%
Cash	8.0%	6.1%
Other	13.0%	11.0%

Notes to the Financial Statements for the year ended 30 June 2009

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 the balance sheet date

(i) Valuation Method

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.

	30 June 2009	30 June 2008
(ii) Economic Assumptions		
Salary increase rate (excluding promotional increases)	3.50%	3.50%
Rate of CPI increase	2.50%	2.50%
Expected rate of return on assets	8.13%	-
Discount rate	5.59%	6.55%

(iii) Demographic Assumptions

The demographic assumptions at 30 June 2009 are those used in the 2009 triennial actuarial valuation. The triennial review report will be available from the NSW Treasury website, after it is tabled in Parliament in December 2009.

	SASS	SANCS	SSS
	Multiple of member contributions	% member salary	Multiple of member contributions
Contribution recommendations			
Recommended contribution rates for the year ending:			
30 June 2009	1.90	2.50	1.60
30 June 2008	1.90	2.50	1.60

Funding method

The method used to determine the employer contribution recommendations in the 2006 triennial actuarial review was the Aggregate Funding method. 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.

Notes to the Financial Statements for the year ended 30 June 2009

Economic assumptions

The economic assumptions to be adopted for the 2009 actuarial review of the Fund are:

Weighted - Average Assumptions	30-Jun-09	30-Jun-08
Expected rate of return on Fund assets backing current pension liabilities	8.30%	7.70%
Expected rate of return on Fund assets backing other liabilities	7.30%	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

The position of the superannuation funds at 30 June 2009 is as follows:

Members Numbers	SASS	SANCS	SSS	
Contributors	82	123	41	
Deferred benefits	-	-	11	
Pensioners	-	-	34	
Pensions fully commuted	-	-	13	
	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Superannuation Position for AASB 119 purposes				
Accrued liability	18,953	4,661	51,055	74,669
Estimated reserve account balance	(18,525)	(4,593)	(37,792)	(60,910)
	428	68	13,263	13,759
Future Service Liability ¹	(5,105)	(1,993)	(3,294)	(10,392)
Surplus in excess of recovery available from schemes	-	-	-	-
Net (asset)/liability to be recognised in balance sheet	428	68	13,263	13,759

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>	18,768	4,422	39,815	63,005
Current service cost	809	224	329	1,362
Interest cost	1,190	277	2,574	4,041
Contributions by Fund participants	450	-	442	892
Actuarial (gains)/losses	(868)	164	9,249	8,545
Benefits paid	(1,396)	(426)	(1,354)	(3,176)
<i>Present value of partly funded defined benefit obligations at end of the year</i>	18,953	4,661	51,055	74,669

Notes to the Financial Statements for the year ended 30 June 2009

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Reconciliation of the fair value of Fund assets	20,689	5,299	41,722	67,710
<i>Fair value of Fund assets at beginning of the year</i>	1,667	426	3,378	5,471
Expected return on fund assets	(3,700)	(962)	(7,052)	(11,714)
Actuarial gains/(losses)	815	256	656	1,727
Employer contributions	450	-	442	892
Contributions by Fund participants	(1,396)	(426)	(1,354)	(3,176)
Benefits paid	18,525	4,593	37,792	60,910
<i>Fair value of Fund assets at end of the year</i>				
Reconciliation of the assets and liabilities recognised in the balance sheet				
Present value of partly funded defined benefit obligation at end of year	18,953	4,661	51,055	74,669
Fair value of Fund assets at end of year	(18,525)	(4,593)	(37,792)	(60,910)
<i>Subtotal</i>	428	68	13,263	13,759
Unrecognised past service cost	-	-	-	-
Unrecognised gain / (loss)	-	-	-	-
Adjustment for limitation on net asset	-	-	-	-
<i>Net Liability/(Asset) recognised in balance sheet at end of year</i>	428	68	13,263	13,759
Expense recognised in the operating statement				
Components Recognised in Operating Statement				
Current service cost	809	224	329	1,362
Interest cost	1,190	277	2,574	4,041
Expected return on Fund assets (net of expenses)	(1,667)	(426)	(3,378)	(5,471)
Actuarial losses/(gains) recognised in year	-	-	-	-
Past service cost	-	-	-	-
Movement in adjustment for limitation on net asset	-	-	-	-
Curtailment or settlement losses/ (gains)	-	-	-	-
Expense /(income) recognised	332	75	(475)	(68)
Amounts recognised in the statement of recognised income and expense				
Actuarial losses	2,832	1,126	16,301	20,259
Adjustment for limit on net asset	-	-	-	-
	2,832	1,126	16,301	20,259
Cumulative amount recognised in the statement of recognised income and expense				
Cumulative actuarial losses				13,650
				13,650
Actual return on Fund assets	(2,051)	(536)	(4,047)	(6,634)

Notes to the Financial Statements for the year ended 30 June 2009

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Historical information				
Present value of defined benefit obligation	18,953	4,661	51,055	74,669
Fair value of Fund assets	(18,525)	(4,593)	(37,792)	(60,910)
(Surplus) / Deficit in Fund	428	68	13,263	13,759
Experience adjustments - Fund liabilities	(868)	164	9,249	8,545
Experience adjustments - Fund assets	3,700	962	7,052	11,714

Expected contributions

Expected employer contributions to be paid in the next reporting period	855	265	707	1,827
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Funding arrangements for employer contributions*Surplus/deficit*

The following is a summary of the 30 June 2009 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans":

Accrued benefits	17,877	4,261	36,351	58,489
Net market value of Fund assets	(18,525)	(4,593)	(37,792)	(60,910)
<i>Net (surplus) / deficit</i>	(648)	(332)	(1,441)	(2,421)

The position of the superannuation funds at 30 June 2008 was as follows:

	SASS	SANCS	SSS	
Members Numbers	91	135	44	
Contributors	-	-	12	
Deferred benefits	-	-	29	
Pensioners	-	-	14	
Pensions fully commuted				

	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.

Notes to the Financial Statements for the year ended 30 June 2009

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'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>	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
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)
Expense recognised in operating statement				
Components Recognised in Operating Statement				
Current service cost	828	237	402	1,467
Interest cost	1,186	268	2,454	3,908
Expected return on Fund assets (net of expenses)	(1,749)	(468)	(3,471)	(5,688)
Actuarial losses (gains) recognised in year	-	-	-	-
Movement in adjustment for limitation on net asset	-	-	-	-
Past service cost	-	-	-	-
Curtailment or settlement losses/(gains)	-	-	-	-
Expense/(income) recognised	265	37	(615)	(313)
Amounts recognised in the statement of recognised income and expense				
Actuarial losses/(gains)	2,403	893	5,141	8,437
Adjustment for limit on net asset	(430)	(181)	(658)	(1,269)
	1,973	712	4,483	7,168
Cumulative amount recognised in the statement of recognised income and expense				
Cumulative actuarial (gains)				(6,609)
				(6,609)
Actual return on Fund assets	(1,461)	(372)	(2,892)	(4,725)

Notes to the Financial Statements for the year ended 30 June 2009

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
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*Surplus / deficit*

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 superannuation expense recognised in the Operating Statement is included in the line item 'employee related expenses'. Superannuation actuarial losses and adjustment for limitation on net asset of \$20.259m (2008: \$7.168m) are separately identified in the 'Statement of Recognised Income and Expense'.

The cumulative amount of actuarial losses recognised in the 'Statement of Recognised Income and Expense' since 1 July 2004 is \$13.650m (2008: \$6.609m actuarial gains)

Before 1 July 2004 and the adoption of AEIFRS, it is not practical to determine the cumulative actuarial gains/losses as if the new policy had always been applied, given that the actuarial gains and losses were not separately identified and accumulated, and the superannuation expense was calculated on a different basis.

	Consolidated		Parent	
	2009	2008	2009	2008
	\$'000	\$'000	\$'000	\$'000
20 CHANGES IN EQUITY				
Accumulated Funds				
Balance at the beginning of the financial year	70,339	60,437	70,339	60,437
Changes in accounting policy				
Superannuation actuarial (losses)/gains	(20,259)	(8,437)	-	-
Adjustment for limit on net asset	-	1,269	-	-
	<u>(20,259)</u>	<u>(7,168)</u>	<u>-</u>	<u>-</u>
(Deficit)/Surplus for the year	(6,580)	17,070	(26,839)	9,902
Balance at the end of the financial year	43,500	70,339	43,500	70,339

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
21 COMMITMENTS FOR EXPENDITURE				
(a) Capital Commitments				
Aggregate capital expenditure contracted for at balance date and not provided for:				
Not later than one year	459	832	459	832
Total (including GST)	459	832	459	832
(b) Other Expenditure Commitments				
Aggregate other expenditure contracted for at balance date and not provided for:				
Not later than one year				
Outstanding purchase orders	56	399	56	399
Estimated future commitment of external legal services ¹	35,312	25,636	35,312	25,636
Later than one year and not later than 5 years				
Estimated future commitment of external legal services ¹	19,667	7,384	19,667	7,384
Total (including GST)	55,035	33,419	55,035	33,419
¹ Represents 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 the Legal Aid Commission of NSW's in-house practice has been excluded because the amount of the liability cannot be reliably measured.				
(c) Operating Lease Commitments				
Future non-cancellable operating lease rentals not provided for and payable:				
Not later than one year	8,313	7,933	8,313	7,933
Later than one year and not later than 5 years	19,420	25,701	19,420	25,701
Later than 5 years	4,305	4,302	4,305	4,302
Total (including GST)	32,038	37,936	32,038	37,936

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 \$7.957m (\$6.562m in 2007/08) that are expected to be recoverable from the Australian Taxation Office.

22 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

At the date of this report, there is current litigation involving the Legal Aid Commission of NSW from which a liability may arise to the value of \$8,000.

In 2007/08 a contingent liability of \$420,000 was raised in regards to a potential Fringe Benefits Taxation liability. A Private Taxation Ruling has since been provided by the Australian Taxation Office which advised no such liability exists.

Notes to the Financial Statements for the year ended 30 June 2009

23 BUDGET REVIEW

Operating Statement

Net Cost of Services

The actual Net Cost of Services was higher than budget by \$25.692m. Almost half of the variance is due to the change of Commonwealth funding arrangements in April 2009, agreed by the Council of Australian Governments. Funding previously paid directly to Legal Aid NSW is now paid via NSW State Appropriation. The effect of this is to reduce Sale of Goods and Services revenue compared to budget by \$12.2 million.

Other major movements included:

- Higher than budget employee related expenditure \$2.065m due to additional positions funding by Public Purpose Fund.
- Higher than budget administrative expenditure \$2.44m.
- Higher than budget depreciation expenses of \$0.914m.
- Unbudgeted finance cost (unwinding of discount rate) of \$0.537m.
- Higher than budget legal expenses of \$11.817m, of which \$4.19m expenses relating to the expensive criminal cases, which revenue from the Commonwealth was received in 2007/08 year. Observance of Accounting Standard AASB1004, which requires the Commission to account for one-off Commonwealth revenue received in the 2007/08 financial year, although the expenses were incurred in 2008/09 financial year.

Offset by the following:

- Higher than budgeted funding from the Public Purpose Fund \$2.809m.
- Higher than budgeted client contributions \$0.935m

Balance Sheet

Current Assets

Current assets were \$18.015m lower than budget. This net figure is primarily made up of lower than expected cash balances (by \$13.195m) and the removal of Prepaid Superannuation of \$4.705m due to the movement in the superannuation reserve from an asset to a liability.

Current Liabilities

Total Current Liabilities were \$8.810m higher than budget, primarily due to the creation of a superannuation liability of \$13.759m and increased employee benefits provisions of \$2.263m, offset by lower than expected accrued legal expenses (by \$8.495m).

Cash Flow Statement

Cash Flows from Operating Activities

Net cash outflows exceeded budget by \$13.248m due primarily to higher than budgeted payments in legal expenses of \$11.817m as explained above under Net Cost of Services.

Notes to the Financial Statements for the year ended 30 June 2009

	Consolidated		Parent	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
24 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	3,393	(24,130)	3,393	(24,130)
Cash Flows from Government / Appropriations	108,979	90,699	108,979	90,699
Depreciation and amortisation	3,635	3,699	3,635	3,699
(Increase) / decrease in allowance for impairment	581	(395)	581	(395)
Increase / (decrease) in provisions	16,776	1,009	16,776	1,009
Actuarial losses on superannuation	(20,259)	(7,168)	-	-
(Increase) / decrease in prepayments and other assets	3,597	5,603	3,597	5,603
(Decrease) / increase in creditors	(1,149)	4,279	(1,149)	4,279
Loss on disposal of plant and equipment	6	32	6	32
Net cost of services	115,559	73,629	135,818	80,797

25 TRUST FUNDS

Legal Aid Commission of 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	-	-	-	-

Legal Aid Commission Trust Account²

Cash balance at the beginning of the financial year	693	697	693	697
Add: Receipts	3,432	2,021	3,432	2,021
Less: Expenditure	2,707	2,025	2,707	2,025
Cash balance at the end of the financial year	1,418	693	1,418	693

As Legal Aid Commission of 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.

Notes to the Financial Statements for the year ended 30 June 2009

Cash

Cash comprises cash on hand and Legal Aid Commission of 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 4.42% (6.25% in 2007/08).

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 Commission of 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 71A of *Legal Aid Commission Act*) - 4.5% (half of Local Court rate)
- Local Court judgements (Section 101 of *Civil Procedure Act 2005*) - 9%
- Family Court judgements (Section 117B of *Family Law Act*) - 12.25%.

Based on past experience, debtors that are not past due (2009 \$0.156m; 2008:\$0.135m) and not less than 4 months past due (2009:\$0.721m; 2008:\$0.888m) are not considered impaired and together these represent 13.62% of the total debtors (2008 17.04%)

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	Past due but not impaired^{1,2}	Considered impaired^{1,2}
	\$'000	\$'000	\$'000
2009			
< 3 months overdue	452	260	192
3 months - 6 months overdue	109	51	58
> 6 months overdue	3,382	410	2,972
2008			
< 3 months overdue	163	8	155
3 months - 6 months overdue	345	319	26
> 6 months overdue	2,729	561	2,168

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 2009

Authority Deposits

Legal Aid Commission of 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 3.05% (7.47% in 2007/08), while over the year the average interest rate was 4.77% (6.85% in 2007/08) on a weighted average deposit of \$100.265m (\$100.553m in 2007/08) during the year. None of these assets are past due or impaired.

(c) Liquidity risk

Liquidity risk is the risk that Legal Aid Commission of NSW will be unable to meet its payment obligations when they fall due. Legal Aid Commission of 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 Commission of NSW did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of Legal Aid Commission of NSW's financial liabilities, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities:

Payables:

	Consolidated		Parent	
	2009	2008	2009	2008
	\$'000	\$'000	\$'000	\$'000
Weighted Average Effective Interest Rate	-	-	-	-
Nominal Amount ¹	21,825	22,587	21,825	22,587
Fixed Interest Rate	-	-	-	-
Variable Interest Rate	-	-	-	-
Non-interest bearing	-	-	-	-
Maturity Dates < 1 year	21,825	22,587	21,825	22,587
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 Commission of NSW's exposure to market risk is minimal. Legal Aid Commission of NSW 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 2009

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 Commission of 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 2008. The analysis assumes that all other variables remain constant.

Interest rate risk

Legal Aid Commission of 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 Commission of NSW's exposure to interest rate risk is set out below.

		\$'000			
	Carrying Amount	-1% Profit	Equity	1% Profit	Equity
2009					
<i>Financial assets</i>					
Cash & cash equivalents					
Receivables	81,975	(820)	(820)	820	820
<i>Financial liabilities</i>					
Payables	4,301	(43)	(43)	43	43
	21,825	(218)	(218)	218	218
2008					
<i>Financial assets</i>					
Cash & cash equivalents					
Receivables	89,655	(897)	(897)	897	897
<i>Financial liabilities</i>					
Payables	3,639	(36)	(36)	36	36
	22,587	(226)	(226)	226	226

27 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.

28 AFTER BALANCE DATE EVENTS

In June 2009, the Premier of New South Wales announced the formation of "Super Agencies" which came into effect by Administrative Order as at 1 July 2009. The Legal Aid Commission of NSW falls under the Justice Cluster, but as the Commission is a Statutory Body, the changes announced should not have a significant effect on the Legal Aid Commission but should provide opportunities for the Commission to work more closely with other State legal agencies.

END OF AUDITED FINANCIAL REPORT

OFFICE OF THE LEGAL AID COMMISSION FINANCIAL STATEMENTS

IN THIS SECTION

Statement by Chief Executive Officer	102
Independent auditor's report.	103
Income statement.	105
Statement of recognised income and expense .	106
Balance sheet	107
Cash flow statement	108
Notes to the financial statements for the year ended 30 June 2009	
Notes 1(a) - 1(h) Summary of significant accounting policies	109
2 Expenses	111
3 Revenue	111
4 Individually significant items.	111
5 Acceptance by the crown entity of employee entitlements and other liabilities	112
6 Transfer payments	112
7 Programs/activities of the office	112
8 Current/non-current assets - receivables	112
9 Current assets - other	113
10 Current liabilities - payables.	113
11 Current/non current liabilities - provisions	113
12 Current liabilities - other.	113
13 Superannuation fund information.	114
14 Changes to equity	121
15 Reconciliation of cash flows from operating activities to net cost of services	121
16 Contingent liabilities and contingent assets.	121
17 Commitments for expenditure	121
18 Financial instruments.	121
19 Related party	124
20 After balance date events	124
Other information	125
1 Payment performance	125
2 Annual reporting legislation requirements	125

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 2009 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



Sandra Argyris
Acting Chief Financial Officer

19 Oct 2009

Independent auditors' report



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 2009, 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 2009, and its financial performance 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.

The 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.

Independent auditors' report

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.

S Bond .

Sally Bond
Director, Financial Audit Services

20 October 2009
SYDNEY



START OF AUDITED FINANCIAL STATEMENTS

Income Statement for the year ended 30 June 2009

	Notes	Actual 2009 \$'000	Actual 2008 \$'000
Revenue			
Personnel services	3	95,440	73,676
Total Revenue		<u>95,440</u>	<u>73,676</u>
Less:			
Expenses			
Employee related	2	75,181	66,508
Total Expenses		<u>75,181</u>	<u>66,508</u>
SURPLUS / (DEFICIT) FOR THE YEAR	14	<u>20,259</u>	<u>7,168</u>

The accompanying notes form part of these financial statements.

Statement of Recognised Income and Expense for the year ended 30 June 2009

	Notes	Actual 2009 \$'000	Actual 2008 \$'000
Superannuation actuarial (losses)/gains		(20,259)	(8,437)
Adjustment for limit on net asset		-	1,269
TOTAL INCOME AND EXPENSE RECOGNISED DIRECTLY IN EQUITY		(20,259)	(7,168)
Surplus / (Deficit) for the Year		20,259	7,168
TOTAL INCOME AND EXPENSE RECOGNISED FOR THE YEAR		-	-
EFFECT OF CHANGE IN ACCOUNTING POLICY			
Surplus for the year as reported in 2008			
Change of policy			
Actuarial losses	l(h)	-	8,437
Adjustment for limit on net asset	l(h)	-	(1,269)
RESTATED SURPLUS FOR THE YEAR		-	7,168

The accompanying notes form part of these financial statements.

Balance Sheet as at 30 June 2009

	Notes	Actual 2009 \$'000	Actual 2008 \$'000
ASSETS			
Current Assets			
Receivables	8	35,683	19,092
Other	9	-	4,705
Total Current Assets		35,683	23,797
Non-Current Assets			
Receivables	8	1,797	1,581
Total Non-Current Assets		1,797	1,581
Total Assets		37,480	25,378
LIABILITIES			
Current Liabilities			
Payables	10	1,400	832
Provisions	11	34,283	18,260
Other	12	-	4,705
Total Current Liabilities		35,683	23,797
Non-Current Liabilities			
Provisions	11	1,797	1,581
Total Non-Current Liabilities		1,797	1,581
Total Liabilities		37,480	25,378
Net Assets		-	-
EQUITY			
Accumulated Funds	14	-	-
Total Equity		-	-

The accompanying notes form part of these financial statements.

Cash Flow Statement for the year ended 30 June 2009

	Notes	Actual 2009 \$'000	Actual 2008 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee related		(73,655)	(66,925)
Total Payments		<u>(73,655)</u>	<u>(66,925)</u>
Receipts			
Legal Aid Commission - personnel services		73,655	66,925
Total Receipts		<u>73,655</u>	<u>66,925</u>
NET CASH FLOWS FROM OPERATING ACTIVITIES	15	<u>-</u>	<u>-</u>
NET INCREASE IN CASH		-	-
Opening cash and cash equivalents		-	-
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 2009

I. 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 19 October 2009.

(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.

(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*.

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 09/04) 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 7.74% (3.94% in 2007/08). Where the Office does not have the unconditional right to defer settlement beyond twelve months, the liability is recognised as a current liability.

Office of 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 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. Refer Notes 2, 11 & 13

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) Change of accounting policy - Superannuation

In 2008/09, NSW Treasury mandated a change in policy for all NSW public sector agencies to recognise actuarial gains and losses immediately outside profit and loss in the year in which they occur. Previously actuarial gains and losses were recognised in profit or loss. This change in policy must be applied retrospectively, as advised in NSW Treasury Circular NSWTC 09/01.

The change in policy has been adopted on the basis that recognition outside profit or loss provides reliable and more relevant information as it better reflects the nature of actuarial gains and losses. This is because actuarial gains/losses are re-measurements, based on assumptions that do not necessarily reflect the ultimate cost of providing superannuation.

Notes to the Financial Statements for the year ended 30 June 2009

Recognition outside profit and loss also harmonises better with Government Finance Statistics/GAAP comprehensive income presentation for the whole of government and general government sector, required under AASB 1049 *Whole of Government and General Government Sector Financial Reporting*. A comprehensive income presentation will also be available at the entity level from 2009/10 under AASB 101 *Presentation of Financial Statements*.

(i) **New Australian Accounting Standards issued but not effective**

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2009 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 3 (March 2008), AASB 127 and AASB 2008-3 regarding business combinations;
- AASB 8 and AASB 2007-3 regarding operating segments;
- AASB 101 (Sept 2007), AASB 2007-8 and AASB 2007-10 regarding presentation of financial statements;
- AASB 123 (June 2007) and AASB 2007-6 regarding borrowing costs;
- AASB 1039 regarding concise financial reports;
- AASB 2008-1 regarding share based payments;
- AASB 2008-2 regarding puttable financial instruments.

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 Office of the Legal Aid Commission.

Notes to the Financial Statements for the year ended 30 June 2009

	2009	2008
	\$'000	\$'000
2 EXPENSES		
Employee related expenses		
Salaries and wages (including recreation leave)	63,645	56,926
Superannuation - defined benefit plans *	(68)	(252)
Superannuation - defined contribution plans	4,571	3,866
Long service leave	2,280	1,796
Workers' compensation insurance	563	251
Payroll tax and fringe benefits tax	4,190	3,921
Total	75,181	66,508

The Office does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,112 (\$2,000 in 2007/08) are paid on the Office's behalf by the Parent entity, the Legal Aid Commission of New South Wales.

* Refer Note 13. Superannuation actuarial losses and adjustment for limit on net asset of \$20.259m (2008: \$7.168m) are recognised in the 'statement of recognised income and expense'. Total superannuation expense, including actuarial losses recognised in the 'statement of income and expense' is \$24.762m (2008: \$10.782m)

3 REVENUE**Rendering of services**

Personnel services revenue	95,440	73,676
Total	95,440	73,676

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 of the Legal Aid Commission's financial position for the State Authorities Superannuation schemes shows a net liability of \$13.759m at 30 June 2009 (\$4.705m net asset in 2007/08), resulting in \$1.795m being taken up as a reduction to the superannuation expense for the year (\$2.132m reduction in 2007/08). In 2008/09, superannuation actuarial losses of \$20.259m are recognised outside of profit or loss in the statement of recognised income and expense (2008: \$7.168m)

Notes to the Financial Statements for the year ended 30 June 2009

	2009 \$'000	2008 \$'000
State Authorities Superannuation schemes surplus/(deficit) - Operating Statement	1,795	2,132
State Authorities Superannuation schemes (deficit)/surplus - Statement of Recognised Income and Expense	(20,259)	(7,168)
Total	(18,464)	(5,036)

Refer Notes 2, 11, 13.

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 2008/09 (nil in 2007/08).

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	1,400	832
Legal Aid Commission—provision for employee benefits ¹	20,524	18,260
Receivable from Legal Aid Commission of NSW—Superannuation liability	13,759	-
Total Current	35,683	19,092

Non-Current

Legal Aid Commission—provision for employee benefits ¹	1,797	1,581
Total Non-Current	1,797	1,581

¹All 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.

Notes to the Financial Statements for the year ended 30 June 2009

	2009	2008
	\$'000	\$'000
9 CURRENT ASSETS - OTHER		
Prepaid Superannuation	-	4,705
Total	-	4,705
10 CURRENT LIABILITIES - PAYABLES		
Current		
Accrued salaries, wages and on-costs	1,400	832
Total Current	1,400	832
11 CURRENT / NON CURRENT LIABILITIES - PROVISIONS		
Current		
Employee benefits and related on-costs		
Provision for recreation leave to be taken within 12 months	5,150	4,866
Provision for recreation leave to be taken after 12 months	975	941
Provision for long service leave to be taken within 12 months	1,130	1,310
Provision for long service leave to be taken after 12 months	10,672	9,383
Provision for related on-costs	2,597	1,760
Superannuation Liability (Refer Note 13)	13,759	-
Total Current	34,283	18,260
Non-Current		
Employee benefits and related on-costs		
Provision for long service leave	-	-
Provision for related on-costs	1,797	1,581
Total Non-Current	1,797	1,581
Aggregate employee benefits and related on-costs		
Provisions - current	34,283	18,260
Provisions - non-current	1,797	1,581
Accrued salaries, wages and on-costs (Note 10)	1,400	832
	37,480	20,673
12 CURRENT LIABILITIES - OTHER		
Liability to Legal Aid Commission ¹	-	4,705
Total	-	4,705

¹ Represents 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.

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.

In 2008/09, the balance of the Superannuation Contributions Reserve held by the State Authorities Superannuation Trustee Corporation (STC) for SASS, SANCS and SSS was a net liability of \$13.759M (Refer Note 13).

Notes to the Financial Statements for the year ended 30 June 2009

13 SUPERANNUATION FUND INFORMATION**Fund Information**

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.

Accounting policy

In 2008/09, NSW Treasury mandated a change in policy for all NSW public sector agencies to recognise actuarial gains and losses immediately outside profit and loss in the year in which they occur. Previously actuarial gains and losses were recognised in profit or loss. This change in policy must be applied retrospectively, as advised in NSW Treasury Circular NSWTC 09/01.

Fund assets

The percentage invested in each asset class at the balance sheet dates:

	30 June 2009	30 June 2008
Australian equities	32.1%	31.6%
Overseas equities	26.0%	25.4%
Australian fixed interest securities	6.2%	7.4%
Overseas fixed interest securities	4.7%	7.5%
Property	10.0%	11.0%
Cash	8.0%	6.1%
Other	13.0%	11.0%

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 the balance sheet date**(i) Valuation Method**

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.

(ii) Economic Assumptions

Salary increase rate (excluding promotional increases)	3.50%	3.50%
Rate of CPI increase	2.50%	2.50%
Expected rate of return on assets	8.13%	-
Discount rate	5.59%	6.55%

Notes to the Financial Statements for the year ended 30 June 2009

(iii) Demographic Assumptions

The demographic assumptions at 30 June 2009 are those used in the 2009 triennial actuarial valuation. The triennial review report will be available from the NSW Treasury website, after it is tabled in Parliament in December 2009.

Contribution recommendations

	SASS Multiple of member contributions	SANCS % member salary	SSS Multiple of member contributions
Recommended contribution rates for the year ending:			
30 June 2009	1.90	2.50	1.60
30 June 2008	1.90	2.50	1.60

Funding method

The method used to determine the employer contribution recommendations in the 2006 triennial actuarial review was the *Aggregate Funding* method. 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.

Economic assumptions

The economic assumptions to be adopted for the 2009 actuarial review of the Fund are:

Weighted-Average Assumptions

	30 June 2009	30 June 2008
Expected rate of return on Fund assets backing current pension liabilities	8.30%	7.70%
Expected rate of return on Fund assets backing other liabilities	7.30%	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(g), 2 & 4

The position of the superannuation funds at 30 June 2009 is as follows:

Members Numbers	SASS	SANCS	SSS
Contributors	82	123	41
Deferred benefits	-	-	11
Pensioners	-	-	34
Pensions fully commuted	-	-	13

Notes to the Financial Statements for the year ended 30 June 2009

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Superannuation Position for AASB 119 purposes	18,953	4,661	51,055	74,669
Accrued liability	(18,525)	(4,593)	(37,792)	(60,910)
Estimated reserve account balance	428	68	13,263	13,759
Future Service Liability ¹	(5,105)	(1,993)	(3,294)	(10,392)
Surplus in excess of recovery available from schemes	-	-	-	-
Net (asset)/liability to be recognised in balance sheet	428	68	13,263	13,759

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>	18,768	4,422	39,815	63,005
Current service cost	809	224	329	1,362
Interest cost	1,190	277	2,574	4,041
Contributions by fund participants	450	-	442	892
Actuarial (gains) / losses	(868)	164	9,249	8,545
Benefits paid	(1,396)	(426)	(1,354)	(3,176)
<i>Present value of partly funded defined benefit obligations at end of the year</i>	18,953	4,661	51,055	74,669

Reconciliation of the fair value of Fund assets

Fair value of Fund assets at beginning of the year	20,689	5,299	41,722	67,710
Expected return on fund assets	1,667	426	3,378	5,471
Actuarial gains / (losses)	(3,700)	(962)	(7,052)	(11,714)
Employer contributions	815	256	656	1,727
Contributions by fund participants	450	-	442	892
Benefits paid	(1,396)	(426)	(1,354)	(3,176)
Fair value of Fund assets at end of the year	18,525	4,593	37,792	60,910

Notes to the Financial Statements for the year ended 30 June 2009

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Reconciliation of the assets and liabilities recognised in the balance sheet				
Present value of partly funded defined benefit obligations at end of year	18,953	4,661	51,055	74,669
Fair value of fund assets at end of year	(18,525)	(4,593)	(37,792)	(60,910)
<i>Subtotal</i>	428	68	13,263	13,759
Unrecognised past service cost	-	-	-	-
Unrecognised gain / (loss)	-	-	-	-
Adjustment for limitation on net asset	-	-	-	-
Net Liability/(Asset) recognised in balance sheet at end of year	428	68	13,263	13,759

Expense recognised in the operating statement**Components Recognised in Operating Statement**

Current service cost	809	224	329	1,362
Interest on obligation	1,190	277	2,574	4,041
Expected return on plan assets	(1,667)	(426)	(3,378)	(5,471)
Actuarial losses (gains) recognised in year	-	-	-	-
Movement in adjustment for limitation on net asset	-	-	-	-
Past service cost	-	-	-	-
Curtailments or settlements losses/(gains)	-	-	-	-
Expense/(income) recognised	332	75	(475)	(68)

Amounts recognised in the statement of recognised income and expense

Actuarial losses	2,832	1,126	16,301	20,259
Adjustment for limit on net asset	-	-	-	-
	2,832	1,126	16,301	20,259

Cumulative amount recognised in the statement of recognised income and expense

Cumulative actuarial losses				13,650
				13,650

Actual return on plan assets	(2,051)	(536)	(4,047)	(6,634)
-------------------------------------	----------------	--------------	----------------	----------------

Historical information

Present value of defined benefit obligation	18,953	4,661	51,055	74,669
Fair value of Fund assets	(18,525)	(4,593)	(37,792)	(60,910)
(Surplus) / Deficit in Fund	428	68	13,263	13,759
Experience adjustments - Fund liabilities	(868)	164	9,249	8,545
Experience adjustments - Fund assets	3,700	962	7,052	11,714

Notes to the Financial Statements for the year ended 30 June 2009

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Expected contributions				
Expected employer contributions to be paid in the next reporting period	855	265	707	1,827

Funding arrangements for employer contributions*Surplus / deficit*

The following is a summary of the 30 June 2009 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans":

Accrued benefits	17,877	4,261	36,351	58,489
Net market value of Fund assets	(18,525)	(4,593)	(37,792)	(60,910)
<i>Net (surplus) / deficit</i>	<u>(648)</u>	<u>(332)</u>	<u>(1,441)</u>	<u>(2,421)</u>

The position of the superannuation funds at 30 June 2008 was as follows:**Members Numbers**

	SASS	SANCS	SSS
Contributors	91	135	44
Deferred benefits	-	-	12
Pensioners	-	-	29
Pensions fully commuted	-	-	14

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.

Notes to the Financial Statements for the year ended 30 June 2009

	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>	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
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)
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>	(1,921)	(877)	(1,907)	(4,705)

Notes to the Financial Statements for the year ended 30 June 2009

	SASS \$'000	SANCS \$'000	SSS \$'000	Total \$'000
Expense recognised in operating statement				
Components Recognised in Operating Statement				
Current service cost	828	237	402	1,467
Interest cost	1,186	268	2,454	3,908
Expected return on Fund assets (net of expenses)	(1,749)	(468)	(3,471)	(5,688)
Actuarial losses (gains) recognised in year	-	-	-	-
Movement in adjustment for limitation on net asset	-	-	-	-
Past service cost	-	-	-	-
Curtailment or settlement losses/(gains)	-	-	-	-
Expense/(income) recognised	265	37	(615)	(313)
Amounts recognised in the statement of recognised income and expense				
Actuarial losses/(gains)	2,403	893	5,141	8,437
Adjustment for limit on net asset	(430)	(181)	(658)	(1,269)
	1,973	712	4,483	7,168
Cumulative amount recognised in the statement of recognised income and expense				
Cumulative actuarial (gains)				(6,609)
				(6,609)
Actual return on Fund 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 2009

	Actual 2009 \$'000s	Actual 2008 \$'000s
14 CHANGES TO EQUITY		
Accumulated Funds		
Accumulated Funds		
Balance at the beginning of the financial year	-	-
Changes in accounting policy	(20,259)	(8,437)
Superannuation actuarial (losses)/gains	-	1,269
Adjustment for limit on net asset	(20,259)	(7,168)
Surplus/(Deficit) for the year	20,259	7,168
Balance at the end of the financial year	-	-

15 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	15,686	891
(Increase) / decrease in prepayments and other assets	(11,549)	3,961
(Decrease) / increase in creditors	(4,137)	(4,852)
Net cost of services	-	-

16 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Office has no contingent liabilities or assets at 30 June 2009 (nil at 30 June 2008).

17 COMMITMENTS FOR EXPENDITURE

The Office did not have any expenditure commitments in 2008/09 (nil in 2007/08).

18 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.

Notes to the Financial Statements for the year ended 30 June 2009

	Note	Category	Carrying Amount 2009 \$'000	Carrying Amount 2008 \$'000
(a) Financial Instrument Categories				
Financial Assets				
Class:				
Receivables ¹	8	Receivables (at amortised cost)	1,400	832
Financial Liabilities				
Class:				
Payables ²	10	Financial Liabilities measured at amortised cost	1,400	832

¹Excludes statutory receivables and prepayments (ie. not within scope of AASB 7)

²Excludes statutory payables and unearned revenue (ie. not within scope of AASB7)

(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.

Notes to the Financial Statements for the year ended 30 June 2009

	2009	2008
	\$'000	\$'000
Maturity analysis and interest rate exposure of financial liabilities:		
Payables:		
Weighted Average Effective Interest Rate	1,400	832
Nominal Amount ¹	-	-
Fixed Interest Rate	-	-
Variable Interest Rate	-	-
Non-interest bearing	1,400	832
Maturity Dates < 1 year	-	-
Maturity Dates 1-5 years	-	-
Maturity Dates > 5 years	-	-

¹ The 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.

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.

		\$'000			
	Carrying Amount	-1% Profit	Equity	1% Profit	Equity
2009					
<i>Financial assets</i>					
Receivables	1,400	(14)	(14)	14	14
<i>Financial liabilities</i>					
Payables	1,400	(14)	(14)	14	14
2008					
<i>Financial assets</i>					
Receivables	832	(8)	(8)	8	8
<i>Financial liabilities</i>					
Payables	832	(8)	(8)	8	8

Notes to the Financial Statements for the year ended 30 June 2009

19 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.

20 AFTER BALANCE DATE EVENTS

In June 2009, the Premier of New South Wales announced the formation of "Super Agencies" which came into effect by Administrative Order as at 1 July 2009. The Legal Aid Commission of NSW and therefore, the Office of the Legal Aid Commission, falls under the Justice Cluster, but as the Commission is a Statutory Body, the changes announced should not have a significant effect on the Legal Aid Commission but should provide opportunities for the Commission to work more closely with other State legal agencies.

END OF AUDITED FINANCIAL REPORT

Other information

I. PAYMENT PERFORMANCE

(a) Payments to Creditors

Legal Aid NSW processed 94.12% of invoices received within 30 days during 2008–2009 compared to 95.69% in 2007–2008.

Period	2009		2008	
	Invoices	%	Invoices	%
Within 30 days	100,790	94.12	95,366	95.69
	6,299	5.88	4,293	4.31
Total	107,089	100.00	99,659	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	94.84	34,336	36,257
December	100.0	95.85	33,406	34,625
March	100.0	92.50	25,778	27,092
June	100.0	93.07	34,062	35,845

(b) Ageing of creditors

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

Quarter	Current (ie within due date) \$'000	Less than 30 days overdue \$'000	Between 30 and 60 days overdue \$'000	Between 60 and 90 days overdue \$'000	More than 90 days overdue \$'000
September	416	52	-	-	-
December	148	29	-	-	36
March	440	61	12	-	-
June	178	26	-	-	-

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

Legal Aid NSW has an agreement with the Commonwealth for the provision of legal aid in Commonwealth matters. 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.

Other information

Funding provided under the agreement is as follows:

Year	\$'000
2004/05	44,084
2005/06	45,054
2006/07	45,802
2007/08	53,683
2008/09	53,091
Total	241,714

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

	2009	2008
	\$'000	\$'000
Audit Office of NSW	131	148
Deloitte Touche Tohmatsu	78	124
IAB Services	10	36
Thomas Davis & Co	-	2
Total	219	310

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	35,855	Facilities Plan
Cherie Buchert	65,740	Development and Delivery of Cultural Awareness Training
Chris Cunneen	35,352	Aboriginal Legal Needs Research
KMPG	39,918	Development of Information, (ICT) Strategic Plan
Total	176,865	

Engagements less than \$30,000

Total Number	29	247,692
Total Consultants		424,557

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 2008/09 deposit premium for workers compensation insurance decreased by 17.8% to \$303,460 (2007/08 \$368,980) whilst the deposit premium for motor vehicles decreased by 9% to \$27,330 in 2008/09.

Motor Vehicle Claims

The number of motor vehicle claims in 2008/09 was 8 (13 in 2007/08) which incurred a net cost of \$17,739 (\$19,670 in 2007/08). The average number of vehicles in the Legal Aid fleet in 2008/09 was 48 (47.3 in 2007/08) which results in an average claim cost per vehicle of \$369 compared to \$416 in 2007/08.

Worker's Compensation

The number of accepted claims (includes claims accepted under provisional liability) increased from 21 in 2007/08 to 29 in 2008/09.

The cost incurred to 30 June 2009 of new claims reported in 2008-2009 was \$155,074 compared to \$111,126 in 2007-2008 which is an increase of \$43,948.

There was an increase in psychological injuries from 1 in 2007/08 to 8 in 2008/09 at a cost of \$82,323 or 53.08% of the cost of claims for 2008-2009. Of these 8 claims, 3 were accepted and 5 declined.

The majority of the remaining claims were for 8 fall/slip injuries and 9 body stress claims amounting to \$56,839.

The number of full time equivalent (FTE) (on average) staff for this financial year is 824.34, an increase of 39.57 from 784.77 in 2007/08. This equates to an average claim cost of \$188.12 per staff member compared to \$141.60 in 2007-2008.

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.

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 2008/09 Legal Aid NSW invested its available funds in the NSW Treasury Corporation's 11am Call Account. The average yield for this account was 4.68% (6.77% in 2007/08). 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 4.86% (7.01% in 2007/08).

Legal Aid NSW provides for its daily expenditure needs via an on-call bank account. A NSW government directive resulted in Legal Aid NSW changing bankers in 2008/09. Legal Aid NSW's current banker is the Westpac Banking Corporation, (WBC). The average yield obtained from this account was 2.5%.

Income of \$5.163m was derived from the investment of Legal Aid NSW funds during 2008/09 compared to \$7.096m in 2007/08. The variation was due to decreased interest rates.

CEO Alan Kirkland (left) drops in at tea time during family dispute resolution training.



Photo: Dani Pontes

APPENDICES

Staff participated in a range of activities—from training programs that improved their skills, to contributing to law reform, and taking part in over 120 inter-agency committees.

CEO's performance statement	129
Community Legal Centres (CLCs) Funding Program.....	130
Women's Domestic Violence Court Advocacy Program (WDVCAP) funding.....	131
Publications	132
Learning and development	133
Human resources information.....	135
EEO groups	136
Law reform.....	137
Explanatory notes to counting and interpreting data	139
Legal practice operational statistics.....	140
Freedom of information (FOI)	144
Significant committees	146
Working with other organisations.....	149
Policies in brief	151
Glossary.....	154
Index.....	155
Five year performance: key trends	156

CEO's performance statement

Alan Kirkland led a number of service delivery initiatives and organisational changes to improve access to legal services for disadvantaged people.

These included implementing a number of changes to legal aid policies and procedures, to ensure more efficient use of legal aid funds and to ensure the sustainability of legal aid expenditure into the future.

Other key achievements in 2008–2009 included:

- the expansion of the Women's Domestic Violence Court Advocacy Program, in consultation with service providers;
- agreement on a new Statement of Cooperation with the Aboriginal Legal Service (NSW/ACT);
- an expansion of homeless outreach services;
- the launch of the crime prevention film *Burn*, accompanied by a State-wide community legal education program in schools and juvenile justice centres;
- development of a Mortgage Stress Legal Support Program, involving a series of mortgage stress forums and the publication of the Mortgage Stress Handbook;
- completion of a report on the civil and family law needs of Aboriginal people, and development of a response to the report;
- launch of the legal education program for prisoners, *Back on Track*, accompanied by a series of workshops and legal advice sessions in correctional centres;
- the development of new family law information resources for parents, addressing changes in de facto relationships legislation and the process for seeking recovery orders in the Family Court; and
- the release of a series of legal information resources for older people, through the Older Persons' Legal Education Program.

In March 2009, Mr Kirkland became the Chair of the NSW Legal Assistance Forum. Through this forum, Legal Aid NSW continued to support improved planning and coordination of legal services for disadvantaged people.

Community Legal Centres (CLCs) Funding Program

We provided funding for 35 community legal centres across NSW.

Community Legal Centre	Commonwealth funding (\$)	State funding (\$)	Public Purpose funding (\$)	Total funding (\$)
Albury Wodonga CLS	-	-	73,000	73,000
Central Coast LC	359,009	16,073	162,530	537,612
Combined CLC Group	-	255,519	-	255,519
Consumer Credit LC	367,417	244,029	280,000	891,446
Court Support Scheme	41,804	5,705	5,384	52,893
Domestic Violence Advocacy Service	-	400,120	-	400,120
Elizabeth Evatt CLS	170,464	162,811	60,000	393,275
Environmental Defender's Office	126,958	174,967	1,158,405	1,460,330
Far West CLC	335,621	-	65,000	400,621
Hawkesbury/ Nepean CLC	222,312	116,905	60,000	399,218
HIV/AIDS LC	85,232	78,313	130,000	293,545
Hunter CLC	482,356	233,476	18,911	734,743
Illawarra LC	544,114	184,062	52,531	780,706
Immigration Advice & Rights Centre	182,180	221,836	-	404,016
Inner City LC	175,670	147,876	60,000	383,546
Intellectual Disability Rights Service	-	-	100,000	100,000
Kingsford LC	199,316	118,920	-	318,236
Macarthur LC	279,603	181,473	52,531	513,607
Macquarie LC	241,283	252,909	210,531	704,723
Marrickville LC	207,812	270,427	-	478,239
Mt Druitt & Area CLC	319,191	16,051	93,000	428,241
NSW Disability Discrimination LC	313,545	35,764	70,000	419,309
North & North West CLS	360,359	16,135	100,000	476,493
Northern Rivers CLC	356,911	21,829	100,000	478,740
Public Interest Advocacy Centre	223,052	319,553	609,636	1,152,242
Redfern LC	227,956	229,720	-	457,676
Refugee Advice & Casework Service	-	-	100,000	100,000
Shoalcoast CLC	301,323	111,578	-	412,901
South West Sydney LC	339,815	216,800	-	556,615
Tenants' Union of NSW	206,678	111,975	-	318,652
The Aged-care Rights Service	67,534	2,284	200,000	269,818
Welfare Rights Centre	382,447	113,025	-	495,472
Western NSW LC	443,280	22,087	100,000	565,367
Wirringa Baiya AWLC	-	328,940	100,000	428,940
Women's Legal Service	995,732	296,436	-	1,292,169
TOTAL	8,558,973	4,907,599	3,961,459	17,428,031

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	Women's Centre Albury-Wodonga Inc	68,987
Armidale	Women's Shelter Armidale Inc.	81,345
Bankstown	Creating Links Co-operative Ltd	109,735
Bega	Southern Women's Group Inc	66,876
Blacktown	Pam's Place Crisis Accommodation Resource and Referral Service Inc	130,122
Blue Mountains	Elizabeth Evatt Community Legal Centre Inc	100,485
Broken Hill	Far West Community Legal Centre Inc	98,471
Bourke/Brewarrina	Dubbo Women's Housing Programme Inc	105,469
Central Coast	Central Coast Domestic Violence Court Assistance Scheme Inc	164,686
Coffs Harbour	Warrina Women's & Children's Refuge Co-operative Society Ltd	68,987
Dubbo	Dubbo Women's Housing Programme Inc	148,388
Hastings	Hastings Women and Children's Refuge Inc	63,126
Hawkesbury	Hawkesbury Nepean Community Legal Centre Inc	78,670
Hornsby	Centacare Broken Bay	92,626
Hunter	Hunter Women's Domestic Violence Court Service Inc	197,796
Illawarra	Wollongong Women's Information Centre Inc	140,188
Inner West	Burwood Community Welfare Services Inc	153,993
Kempsey	Kempsey Family Support Service Inc	87,603
Liverpool/Fairfield	South West Sydney Legal Centre Inc	190,568
Macarthur	Macarthur Legal Centre Inc	162,382
Maitland	Carrie's Place Women's & Children's Services Incorporated	108,643
Manly/Warringah	Manly Warringah Women's Resource Centre Limited	126,586
Moree	Moree Women's Domestic Violence Assistance Program Inc	116,515
Newtown	Marrickville Legal Centre Ltd	97,527
Northern Rivers	Northern Rivers Community Legal Centre Inc	300,955
Nowra	YWCA NSW	96,556
Parramatta/Ryde	Macquarie Legal Centre Inc	155,911
Penrith/Mt Druiitt	Penrith Women's Health Centre Inc	193,570
Redfern	Redfern Legal Centre Ltd	130,122
Southern Sydney	Sutherland Shire Family Services Inc	162,644
Taree	Manning Valley Neighbourhood Services Inc	120,174
Wagga Wagga	Wagga Wagga Family Support Service Inc & Sisters Housing	87,602
Waverley	The Junction Neighbourhood Centre Inc	122,163
WDVCAP Training		170,919
Total		4,300,390

Client publications and resources

We produce over 50 publications. Some of these are available in almost 30 other languages. This year, we distributed 548,203 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, Hindi, Indonesian, Italian, Korean, 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

Help with 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

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

Wallet cards

Youth Hotline card

Domestic violence wallet card

Posters

Youth Hotline

Get Street Smart

Who's who in the Local Court

Help at court—Women's

Domestic Violence Court

Advocacy Program

Audio CD-ROM

Welcome to Legal Aid

(Amharic, Arabic Dari, Dinka, English, Juba Arabic, Pushto, Somali, Swahili, Tigrinya)

Translated fact sheets with the same information as the CD are also available on our website.

Other

Bookmark promoting Legal Aid online means test calculator

New resources produced in 2008-2009

Mortgage Stress Handbook (106 pages) – part of our mortgage rescue package.

Are you having problems with your home mortgage? (brochure)

Understanding bail

Police powers

Domestic violence offences – information for defendants

De facto relationships and family law

My ex-partner has taken our children without my permission... what can I do?

Seeking urgent recovery orders in the Family Court

Legal issues for older people

Are you a grandparent? Your legal questions answered

Moving in with the family?

Protect your interests (also in Arabic, Chinese, Vietnamese)

Helping your family financially?

Understand the risks (also in Arabic, Chinese, Vietnamese)

Who will decide for you if you can't decide for yourself? (also in Arabic, Chinese, Vietnamese)

Changing your accommodation arrangements? Will it affect your pension?

Are you a grandparent?

Your legal questions answered

Caring for kids in Aboriginal families

Are you experiencing violence or abuse? You can make it stop

How to order

Use our online ordering system: www.legalaid.nsw.gov.au/pubsonline

Email: publications@legalaid.nsw.gov.au Or phone our Publications Unit on 9219 5028.

* Indicates an updated brochure.

Information was updated to comply with new laws, part of continuous review and this year's cost-effective rebranding.

Learning and development

**Courses conducted
1 July 2008 to 30 June 2009**

Course title	Sessions	Attendance		
		Internal	External	Total
Internal training programs (most sessions attract MCLE points)				
Advanced Aboriginal Cultural Awareness (Aboriginal Services Unit)	9	125	20	145
Aboriginal mentoring	1	9	0	9
Advanced Business Writing	1	9	0	9
Advocacy Workshops	3	61	7	68
Court Visits	6	29	0	29
Cross Cultural Awareness & interpreters	5	29	14	43
Demystifying Drugs & Alcohol	4	39	5	44
Demystifying Mental Illness	3	22	11	33
Driver Education - Low risk driving	9	66	0	66
Dual Diagnosis and Substance Dependence	4	28	95	123
Finance matters for Legal managers	1	10	0	10
Financial & Management Information Systems	1	13	2	15
First Aid Accredited courses (attended individual external courses)	0	22	0	22
FLM - Diploma Business various sessions	11	112	14	126
Diploma of Management (various sessions)	4	49	12	61
Interpersonal Skills complaints	1	7	0	7
Job Seeking Skills	2	20	1	21
Law for Non-Lawyers	2	38	0	38
Library training - Legal Online Thomson & LexisNexis	4	3	0	3
Managing Aggressive & Violent Behaviour	3	24	6	30
Managing Psych Injury	2	14	0	14
New Managers & Supervisors	1	12	1	13
Office Managers' Conference	1	32	0	32
Organising for Simplicity and Results	1	6	1	7
Personal Protection - Self Defence Techniques	1	6	1	7
Performance Planning & Development Staff Info Session	2	29	0	29
Performance Planning & Development for Managers	1	5	0	5
Presentation Skills	1	5	1	6
Resolving Workplace Conflict	2	13	0	13
Selection Techniques	3	15	1	16
Stolen Wages Seminar	1	9	0	9
Victims Services Session	1	2	6	8
Team Development day	1	13	0	13
Time Management Course	1	3	0	3
TRIM Training	3	145	0	145
Working On Legal Aid Matters	7	0	270	270
Total	103	1,024	468	1,492

Learning and development

Course title	Sessions	Attendance		
		Internal	External	Total
Induction training				
Corporate Induction A	4	68	1	69
Corporate Induction B	4	64	0	64
Corporate Induction one day	2	21	0	21
Criminal Law Induction	2	24	0	24
Family Law Induction	2	26	0	26
New Solicitor-In-charge Training Day	1	14	0	14
Total	15	217	1	218

Internal legal seminars and conferences

Internal Legal Seminars & Conferences	1	51	106	157
Family Law	7	275	192	467
Criminal Law	19	425	176	601
Civil Law	7	190	58	248
Total	33	890	426	1,316

Woman's Domestic Violence Court Assistance Program

WDVCAP Core training	4	47	107	154
WDVCAP Coordinators training	2	-	51	51
WDVCAP Seconded worker training	5	12	105	117
Total	11	59	263	322

Other Internal Training

Grants training	43	233	655	888
IT Training	66	278	-	278

Online Training

256

External programs (i.e. not connected with Legal Aid NSW)

	Sessions	Attendance
External training programs, seminars and conferences	97	211
External IT Training programs	24	28
Total	121	239

Human resources information

Central Sydney/Regional FTE staff as at 30 June 2009		FTE staff as at 30 June 2009	
Central Sydney	465.85	CEO/SES	5
Regional offices	358.49	Legal officers	394.53
Total Staff FTE	824.34	Legal and admin support staff	424.81
		Total staff FTE	824.34

Number of actual staff by employment category

	Total Staff	Men	Women	ATSI	Minority ⁽¹⁾	1st Language not English	PWAD ⁽²⁾	PWAD ⁽¹⁾ workplace adjustment
Permanent Full Time	594	182	412	27	130	90	30	8
Part-time	123	10	113	0	21	15	9	3
Temporary Full Time	135	26	109	3	24	14	5	1
Temporary Part-time	54	9	45	0	9	6	2	0
Contract SES	5	5	0	0	0	0	0	0
Non - SES	0	0	0	0	0	0	0	0
Casual	1	0	1	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	912	232	680	30	184	125	46	12
Actual staff total	912							

Number of actual staff by salary

Salary Range	Total Staff	Men	Women	ATSI	Minority ⁽¹⁾	1st Language not English	PWAD ⁽²⁾	PWAD ⁽¹⁾ workplace adjustment
<\$36,677	3	0	3	2	1	0	0	0
\$36,678 - \$48,173	46	7	39	3	10	9	3	1
\$48,174 - \$53,854	183	16	167	11	35	22	13	2
\$53,855 - \$68,147	177	32	145	6	38	30	6	3
\$68,148 - \$88,127	272	70	202	6	53	34	13	3
\$88,128 - \$110,160	213	95	118	2	46	30	10	3
> \$110,160 (non SES)	13	7	6	0	1	0	1	0
> \$110,160 (SES)*	5	5	0	0	0	0	0	0
Total	912	232	680	30	184	125	46	12
Actual salary total	912							

Number of actual staff by area of work⁽³⁾

	Central Sydney	Regional	Total
Legal Officers	197	234	431
Administrative	312	169	481
Grand total			912

FOOTNOTES

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

(2) People with a disability

(3) 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.

*There is only 1 executive position holder above Level 5. The CEO's total salary package was \$258,000. He is paid as an SES Level 6.

Human resources information

Number of actual staff in different EEO groups: three-year trend

	2006-2007	2007-2008	2008-2009
Men	220	220	232
Women	585	632	680
Aboriginal	8	27	30
Minority ⁽¹⁾	154	175	184
1st Language not English	111	122	125
PWAD ⁽²⁾	40	44	46
PWAD ⁽²⁾ workplace adjustment	11	12	12
Total	805	852	912

Number of executive positions: three 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).

5 Contract SES
(One at Level 6, two at Level 4, two at Level 2).

Notes

(1) People from racial, ethnic, ethno-religious minority groups (2) People with a disability

Parliamentary annual report tables

A. Trends in the representation of EEO groups

% of Total staff

EEO Group	Benchmark or target	2005	2006	2007	2008	2009
Women	50%	72%	73%	73%	74%	74%
Aboriginal people and Torres Strait Islanders	2%	1.2%	1.2%	1.1%	3.0%	3.3%
People whose first language was not English	20%	14%	14%	14%	15%	13%
People with a disability	12%	6%	6%	5%	5%	5%
People with a disability requiring work-related adjustment	7%	2.0%	1.7%	1.3%	1.4%	1.2%

B. Trends in the distribution of EEO groups

Distribution Index

EEO Group	Benchmark or target	2005	2006	2007	2008	2009
Women	100	83	82	83	84	84
Aboriginal people and Torres Strait Islanders	100	n/a	n/a	n/a	83	79
People whose first language was not English	100	97	95	97	100	100
People with a disability	100	93	93	89	95	97
People with a disability requiring work-related adjustment	100	n/a	n/a	n/a	n/a	n/a

Notes:

- Staff numbers are as at 30 June 2009.
- Excludes casual staff.
- 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 ODEOPE.
- The Distribution Index is not calculated where EEO group or non-EEO group numbers are less than 20.
- Percentage of Aboriginal staff on p 38 is based on FTE staff.

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 2008-2009 we made 44 submissions to a range of law reform bodies on a wide variety of issues affecting our clients.

Submissions to the NSW Attorney General and the Attorney General's Department

1. NSW Law Reform Commission Report on Jury Selection, in particular the recommendations relating to peremptory challenges (March 2009)
2. Consultation Draft of the Personal Property Securities Bill (August 2008)
3. Sexual Offences Working Party - A redraft or clean up of the legislative framework for sexual offences in NSW (April 2009)
4. Review of the legal framework and arrangements for intoxicated people found in public places (August 2008)
5. Criminal Law Review Division's Discussion Paper on covert collection of forensic material by law enforcement officers (September 2008)
6. Criminal Law Review Division's review of the *Crimes (Domestic and Personal Violence) Act 2007* (August 2008)
7. Consultation Paper - An Intensive Corrections Order for New South Wales (November 2008)
8. Urbis Consulting - Reforms to the service of police briefs in the Local Court (December 2008)
9. Submission on domestic violence issues in response to the Report of the

Special Commission of Inquiry into Child Protection Services in NSW (September 2008)

10. Report of the Special Commission of Inquiry into Child Protection Services (December 2008)
11. Draft Children (Criminal Proceedings) Amendment (Naming of Children) Bill 2009 (April 2009)
12. Statutory Review of the *Crimes (Appeal and Review) Act 2001* (April 2009)
13. Draft Criminal Procedure Amendment (Circle Sentencing) Regulation (May 2009)
14. Response to the ADR Blueprint Discussion Paper: Framework for the delivery of alternative dispute resolution (ADR) services in NSW (June 2009)
15. Draft Children's Court Regulation 2009 (May 2009)

Submissions to the Australian Government

16. The Treasury: Financial Services and Credit Reform Green Paper (July 2008)
17. Attorney-General's Department: proposed amendments to the *Proceeds of Crime Act 2002* (March 2009)
18. Attorney-General's Department: Personal Property Securities Reform Discussion Paper: Regulations to be made under the *Personal Property Securities Act* (October 2008)
19. Attorney-General's Department: *Personal Property Securities Regulations* (May 2009)

20. Competition and Consumer Policy Division of Treasury: The Australian Consumer Law: Consultation on Draft Unfair Contract Terms Provisions (May 2009)

21. Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA): Green Paper *Which Way Home? A New Approach to Homelessness* (July 2008)
22. Attorney-General (and other Members of Parliament): submission supporting the Gay, Lesbian, Bisexual and Transgender (GLBT) Health Alliance - Same Sex Law Reform and Pension Changes: The Case for Savings Provisions and Other Transitional Arrangements (March 2009)

Submission to Australian Senate

23. Senate Legal and Constitutional Affairs Committee: Inquiry into the effectiveness of the *Commonwealth Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality (August 2008)

Submission to NSW Department of Corrective Services

24. Exposure Draft Crimes (Administration of Sentences) Regulation 2008 (August 2008)

Submissions to NSW Office of Fair Trading

25. Exposure Draft Pawn-brokers and Second-hand Dealers Regulation 2008 (September 2008)
26. Discussion Paper: Residential Tenancy Law Reform: A New Direction (July 2008)

Submission to NSW Law Reform Commission

27. Consultation Paper 3 (2008) – Privacy legislation in New South Wales (October 2008)
28. Consultation Paper 4 (2008) – Jury Directions (March 2009)

Submission to NSW Department of Premier and Cabinet

29. Open Government Information – FOI Reforms in New South Wales: Exposure Draft Bills (June 2009)

Submission to NSW Ombudsman

30. Discussion Paper: Review of the *Freedom of Information Act 1989* (November 2008)

Submission to the Chief Magistrate of the Local Court

31. Withdrawal of Practice Notes (March 2009)

Submissions to NSW Department of Ageing, Disability and Home Care

32. Criminal Justice Services Policy (August 2008)
33. Criminal Justice Resource Manual (March 2009)

Submission to NSW Sentencing Council

34. Standard non-parole period and guideline judgments (June 2009)

Submission to NSW Older Women's Network

35. Prevention of Violence Against Older Women (December 2008)

Submission to the Australian Competition and Consumer Commission

36. Joint submission with consumer organisations in response to an application by the Insurance Council of Australia for a common definition of “inland flood”

Submission to the Review of the Code of Banking Practice

37. Jan McClelland, Independent Reviewer: Review of the Code of Banking Practice

Submission to Migration Review Tribunal Refugee Review Tribunal

38. Draft Guidance on Vulnerable Persons

Submission to Ministerial Council on Consumer Affairs

39. Consultation Regulatory Impact Statement: Responsible lending practices in relation to consumer credit cards (October 2008)

Submission to Standing Committee of Officials of Consumer Affairs

40. Australian Consumer Law Consultation: An Australian Consumer Law: Fair Markets – Confident Consumers (March 2009)

Contributions to submissions by National Legal Aid

41. Submission to the Senate Standing Committee on Legal and Constitutional Affairs: Inquiry into the effectiveness of the Commonwealth Sex *Discrimination Act 1984* in eliminating discrimination and promoting gender equality (September 2008)
42. Submission to the Joint Standing Committee on Migration: Inquiry into immigration detention in Australia (October 2008)
43. Submission to the Senate Standing Committee on Legal and Constitutional Affairs Committee: Inquiry into Access to Justice (June 2009)
44. Des Semple of Des Semple & Associates in conjunction with the Attorney-General's Department: Future Governance Options for Federal Family Law Courts in Australia – Striking the Right Balance (December 2008)

Explanatory notes to counting and interpreting data in 2008–2009

The introduction of two new systems during 2008-2009, and an important definition change which took effect from July 2008, have made it necessary to explain some aspects of our service counts for 2008-2009. These explanations should be taken into account in interpreting the reported numbers, because it is not always valid to compare the results for previous years with those for 2008-2009.

1. Case matters/duty services definition change

Legal Aid NSW adopted a standard definition of criminal law case and duty services across the inhouse and assigned practices from 1 July 2008, when CASES (see page 42) was introduced.

The impact of this standard definition has been a substantial increase in the reported volumes of inhouse criminal law duty services, and a decrease in in house criminal law case grants. It is important to note that this does not reflect any fundamental change in the work undertaken. It is not valid to compare the reported volumes of these services for 2008–2009 with those for previous financial years.

2. Duty services

a) Inhouse – backup duty counting

When CASES was introduced on 1 July 2008 we addressed some anomalies with the way in which duty services provided by private practitioners on a ‘backup’ basis (ie, in locations normally served by Legal Aid NSW staff) had been recorded in previous financial years. This has eliminated a problem where some ‘backup’ duty services provided before this time were included under both the assigned and inhouse headings.

While the result has been a reduction in the reported volumes of inhouse duty services, this does not reflect any change in actual work patterns. It is not valid to compare the inhouse duty figures for 2008–2009 with those reported in earlier financial years. Footnotes to the relevant tables at pages 140 to 141 provide the revised figures for 2006–2007 and 2007–2008.

b) Assigned duty services

After the introduction of ATLAS on 31 March 2009 (see page 42), there was an immediate and substantial increase in the recorded volumes of assigned Commonwealth duty services, particularly in criminal law. Investigations revealed that this was due to private lawyers incorrectly entering some data under the Commonwealth rather than the State category.

We issued advice to private lawyers emphasising the importance of accurate data entry, and reconfigured the relevant screen in early July 2009 to facilitate this.

Legal Aid NSW has made some adjustments to its reported duty services for 2008–2009 to account for the effects of these anomalies. The assigned duty figures included in this annual report reflect these adjustments. While they have not changed the total number of reported duty services, they have ensured that the Commonwealth/State splits more accurately reflect the work performed.

3. Client profile information

Legal Aid NSW includes information in each annual report on the percentages of case and inhouse duty services it has provided to clients in various categories.

There are some factors which impact on the comparability of these ‘client profile’ figures for 2008–2009 with those reported in previous financial years. In particular, decisions about system configuration and data migration have resulted in lower reported percentages of clients who receive Commonwealth income support benefits. It would not be valid to compare client profile figures for 2008–2009 with those reported for previous financial years.

Legal practice operational statistics

Legal Aid NSW totals	2006-07	2007-08	% change from previous year	2008-09 ²	% change from previous year
Case Matters					
Applications Received	69,268	73,894	6.7%	53,786	-27.2%
Applications Refused	7,919	8,435	6.5%	9,677	14.7%
Inhouse Grants	38,828	40,535	4.4%	20,213	-50.1%
Assigned Grants	22,379	24,773	10.7%	25,992	4.9%
Total Case Grants	61,207	65,308	6.7%	46,205	-29.3%
Grant Rate	88.5%	88.6%	0.1%	82.7%	-5.9%
Applications Determined	69,126	73,743	6.7%	55,882	-24.2%
Applications Undetermined @ year end	149	155	4.0%	1,861	1,100.6%
Grants Finalised	60,241	59,599	-1.1%	42,792	-28.2%
Current Grants on Hand @ year end	35,201	41,535	18.0%	43,571	4.9%
Duty Services					
Inhouse Duty Services ¹	61,312	63,910	4.2%	99,775	56.1%
Assigned Duty Services*	62,310	68,461	9.9%	67,418	-1.5%
Total Duty Services	123,622	132,371	7.1%	167,193	26.3%
Other Services					
Advice	78,409	76,404	-2.6%	80,953	6.0%
Minor assistance	5,713	6,065	6.2%	7,810	28.8%
Information	322,774	361,736	12.1%	475,667 [†]	31.5%
Total Other Services	406,896	444,205	9.2%	564,430	27.1%
Total Client Services**	591,725	641,884	8.5%	777,828	21.2%

Criminal Law

Case Matters					
Applications Received	49,188	52,605	6.9%	30,275	-42.4%
Applications Refused	3,249	3,275	0.8%	2,755	-15.9%
Inhouse Grants	34,599	36,255	4.8%	15,473	-57.3%
Assigned Grants	11,239	12,967	15.4%	14,058	8.4%
Total Case Grants	45,838	49,222	7.4%	29,531	-40.0%
Grant Rate	93.4%	93.8%	0.4%	91.5%	-2.3%
Applications Determined	49,087	52,497	6.9%	32,286	-38.5%
Applications Undetermined @ year end	106	110	3.8%	643	484.5%
Grants Finalised	45,000	46,733	3.9%	29,786	-36.3%
Current Grants on Hand @ year end	18,791	21,586	14.9%	20,038	-7.2%
Duty Services					
Inhouse Duty Services ³	45,251	47,404	4.8%	89,184	88.1%
Assigned Duty Services*	46,030	52,777	14.7%	51,933	-1.6%
Total Duty Services	91,281	100,181	9.8%	141,117	40.9%
Other Services					
Advice	31,639	30,751	-2.8%	30,489	-0.9%
Minor assistance	807	662	-18.0%	267	-59.7%
Information	96,095	115,401	20.1%	173,995 [†]	50.8%
Total Other Services	128,541	146,814	14.2%	204,751	39.5%
Total Client Services**	265,660	296,217	11.5%	375,399	26.7%

*Refer to 2b on page 139.

**Excludes community legal education services which are reported on page 142.

†This includes switchboard data at the Central Sydney office, not recorded in the previous years.

Legal practice operational statistics

Family Law	2006-07	2007-08	% change from previous year	2008-09 ²	% change from previous year
Case Matters					
Applications Received	17,671	18,628	5.4%	20,470	9.9%
Applications Refused	3,795	4,227	11.4%	5,512	30.4%
Inhouse Grants	3,195	3,067	-4.0%	3,263	6.4%
Assigned Grants	10,645	11,296	6.1%	11,435	1.2%
Total Case Grants	13,840	14,363	3.8%	14,698	2.3%
Grant Rate	78.5%	77.3%	-1.2%	72.7%	-4.6%
Applications Determined	17,635	18,590	5.4%	20,210	8.7%
Applications Undetermined @ year end	38	39	2.6%	1,076	2,659.0%
Grants Finalised	13,738	11,207	-18.4%	11,394	1.7%
Current Grants on Hand @ year end	14,106	17,531	24.3%	20,833	18.8%
Duty Services					
Inhouse Duty Services ⁴	3,434	3,214	-6.4%	3,423	6.5%
Assigned Duty Services*	2,531	2,944	16.3%	2,708	-8.0%
Total Duty Services	5,965	6,158	3.2%	6,131	-0.4%
Other Services					
Advice	27,540	25,491	-7.4%	27,493	7.9%
Minor assistance	2,946	3,133	6.3%	3,662	16.9%
Information	113,038	111,720	-1.2%	133,874 [†]	19.8%
Total Other Services	143,524	140,344	-2.2%	165,029	17.6%
Total Client Services**	163,329	160,865	-1.5%	185,858	15.5%

Civil Law

Case Matters					
Applications Received	2,409	2,661	10.5%	3,041	14.3%
Applications Refused	875	933	6.6%	1,410	51.1%
Inhouse Grants	1,034	1,213	17.3%	1,477	21.8%
Assigned Grants	495	510	3.0%	499	-2.2%
Total Case Grants	1,529	1,723	12.7%	1,976	14.7%
Grant Rate	63.6%	64.9%	1.3%	58.4%	-6.5%
Applications Determined	2,404	2,656	10.5%	3,386	27.5%
Applications Undetermined @ year end	5	6	20.0%	142	2,266.7%
Grants Finalised	1,503	1,659	10.4%	1,612	-2.8%
Current Grants on Hand @ year end	2,304	2,418	4.9%	2,700	11.7%
Duty Services					
Inhouse Duty Services ⁵	12,627	13,292	5.3%	7,168	-46.1%
Assigned Duty Services*	13,749	12,740	-7.3%	12,777	0.3%
Total Duty Services	26,376	26,032	-1.3%	19,945	-23.4%
Other Services					
Advice	19,230	20,162	4.8%	22,971	13.9%
Minor assistance	1,960	2,270	15.8%	3,881	71.0%
Information	113,641	134,615	18.5%	167,798 [†]	24.7%
Total Other Services	134,831	157,047	16.5%	194,650	23.9%
Total Client Services**	162,736	184,802	13.6%	216,571	17.2%

1. The revised figures for inhouse duty services for 2006-2007 and 2007-2008 should be 51,167 and 52,904 respectively (refer to 2a on page 139).
2. Due to systems changes in 2008-2009, it will not always be valid to compare 2008-2009 figures with those of previous years.
3. The revised figures for Criminal Law inhouse duty services for 2006-2007 and 2007-2008 should be 41,427 and 42,545 respectively (refer to 2a on page 139).
4. The revised figures for Family Law inhouse duty services for 2006-2007 and 2007-2008 should be 3,446 and 3,209 respectively (refer to 2a on page 139).
5. The revised figures for Civil Law inhouse duty services for 2006-2007 and 2007-2008 should be 6,294 and 7,150 respectively (refer to 2a on page 139).

Legal practice operational statistics

Inhouse & private lawyers allocation of legal work

	Inhouse lawyer	Inhouse lawyer %	Private lawyer	Private lawyer %	Total
Family law					
Duty Services	3,423	55.8%	2,708	44.2%	6,131
Grants of Legal Aid	3,263	22.2%	11,435	77.8%	14,698
Total	6,686	32.1%	14,143	67.9%	20,829
Criminal law					
Duty Services	89,184	63.2%	51,933	36.8%	141,117
Grants of Legal Aid	15,473	52.4%	14,058	47.6%	29,531
Total	104,657	61.3%	65,991	38.7%	170,648
Civil law					
Duty Services	7,168	35.9%	12,777	64.1%	19,945
Grants of Legal Aid	1,477	74.7%	499	25.3%	1,976
Total	8,645	39.4%	13,276	60.6%	21,921
Legal Aid NSW total					
Duty Services	99,775	59.7%	67,418	40.3%	167,193
Grants of Legal Aid	20,213	43.7%	25,992	56.3%	46,205
Total	119,988	56.2%	93,410	43.8%	213,398

Family dispute resolution—Family Law

	2006-07	2007-08	% change from previous year	2008-09	% change from previous year
Number of conferences	2,237	2,527	13.0%	2,294	-9.2%
Agreements reached	1,895	2,156	13.8%	1,942	-9.9%
Agreement rate	84.7%	85.3%	0.6%	84.7%	-0.6%

Community legal education

	2006-07	2007-08	% change from previous year	2008-09	% change from previous year
Criminal Law	184	174	-5.4%	297	70.7%
Family Law	260	349	34.2%	443	26.9%
Civil Law	189	260	37.6%	328	26.2%
Total	633	783	23.7%	1,068	36.4%

Commonwealth and State allocation of Legal Aid NSW services

	State matter	State matter %	Commonwealth matter	Commonwealth matter %	Total
Family law					
Grants	5,659	38.5%	9,039	61.5%	14,698
Duty Services	3,618	59.0%	2,513	41.0%	6,131
Advice	2,341	8.5%	25,152	91.5%	27,493
Minor assistance	354	9.7%	3,308	90.3%	3,662
Information Services [†]	16,354	12.2%	117,520	87.8%	133,874
Total	28,326	15.2%	157,532	84.8%	185,858
Criminal law					
Grants	28,829	97.6%	702	2.4%	29,531
Duty Services	138,642	98.2%	2,475	1.8%	141,117
Advice	29,448	96.6%	1,041	3.4%	30,489
Minor assistance	252	94.4%	15	5.6%	267
Information Services [†]	142,760	82.0%	31,235	18.0%	173,995
Total	339,931	90.6%	35,468	9.4%	375,399
Civil law					
Grants	1,504	76.1%	472	23.9%	1,976
Duty Services	19,919	99.9%	26	0.1%	19,945
Advice	16,811	73.2%	6,160	26.8%	22,971
Minor assistance	2,841	73.2%	1,040	26.8%	3,881
Information Services [†]	130,858	78.0%	36,940	22.0%	167,798
Total	171,933	79.4%	44,638	20.6%	216,571
Legal Aid NSW total					
Grants	35,992	77.9%	10,213	22.1%	46,205
Duty Services	162,179	97.0%	5,014	3.0%	167,193
Advice	48,600	60.0%	32,353	40.0%	80,953
Minor assistance	3,447	44.1%	4,363	55.9%	7,810
Information Services [†]	289,972	61.0%	185,695	39.0%	475,667
Total	540,190	69.4%	237,638	30.6%	777,828

[†]This includes switchboard data at the Central Sydney office, not recorded in the previous years.

Freedom of information (FOI)

Section A New FOI Applications

	Number of FOI applications					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
New	15	23	2	7	17	30
Brought forward	2	2	1	0	3	2
Total to be processed	17	25	3	7	20	32
Completed	11	15	1	6	12	21
Discontinued	5	7	1	1	6	8
Total processed	16	22	2	7	18	29
Unfinished (carried forward)	1	3	1	0	2	3

Section B Discontinued Applications

	Number of discontinued FOI applications					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
Transferred out to another agency	0	0	0	0	0	0
Withdrawn	2	1	0	0	2	1
Failed to pay advance deposit	1	1	1	0	2	1
Unreasonable diversion of resources	0	2	0	0	0	2
Document not held	2	3	0	1	2	4
Total discontinued	5	7	1	1	6	8

Section C Completed Applications

	Number of completed FOI applications					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
Granted or otherwise available in full	9	8	0	3	9	11
Granted or otherwise available in part	2	5	0	0	2	5
Refused	0	0	0	1	0	1
No documents held	0	2	1	2	1	4
Total completed	11	15	1	6	12	21

Section D Applications granted or otherwise available in full

	Number of FOI applications granted or otherwise available in full					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
Provided to the applicant	9	8	0	3	9	11
Provided to the applicant's medical practitioner	0	0	0	0	0	0
Available for inspection	0	0	0	0	0	0
Available for purchase	0	0	0	0	0	0
Library material	0	0	0	0	0	0
Deferred access	0	0	0	0	0	0
Available by a combination of any of the reasons listed above	0	0	0	0	0	0
Total	9	8	0	3	9	11

Section E Applications granted or otherwise available in part

	Number of FOI applications granted or otherwise available in part					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
Provided to the applicant	2	5	0	0	2	5
Provided to the applicant's medical practitioner	0	0	0	0	0	0
Available for inspection	0	0	0	0	0	0
Available for purchase	0	0	0	0	0	0
Library material	0	0	0	0	0	0
Subject to deferred access	0	0	0	0	0	0
Available by a combination of any of the reasons listed above	0	0	0	0	0	0
Total	2	5	0	0	2	5

Section F Refused FOI Applications

	Number of refused FOI applications					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
Exempt	0	0	0	1	0	1
Deemed refused	0	0	0	0	0	0
Total refused	0	0	0	1	0	1

Section G Exempt Documents

	Number of FOI applications refused or access granted or otherwise available in part only					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
Personal affairs	1	1	0	0	1	1
Legal professional privilege	0	0	0	0	0	0
Secrecy provisions	1	3	0	0	1	4
Internal working documents	0	2	0	0	0	2
Total including exempt documents	2	6	0	1	2	7

Section H Ministerial Certificates (S.59)

No ministerial certificates were issued in relation to FOI applications to Legal Aid NSW in 2007-2008 or 2008-2009.

Section I Formal Consultations

	Number of formal consultations conducted	
	2008	2009
Applications requiring formal consultation	1	2
Persons formally consulted	1	4

Section J Amendment Of Personal Records

We received no applications for amendment of personal records in 2007-2008 or 2008-2009.

Section K Notation Of Personal Records

We received no applications for notation of personal records in 2007-2008 or 2008-2009.

Section L Fees And Costs

	Assessed costs		Fees received	
	2008	2009	2008	2009
All completed applications	\$435	0	\$270	\$345

Section M Fee Discounts

	Number of FOI applications where fees were waived or discounted					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
Processing fees waived in full	6	6	0	2	6	8
Financial hardship discounts	3	6	0	2	3	8
Total	9	12	0	4	9	16

Section N Fee refunds

We did not grant any fee refunds as a result of significant correction of personal records in 2007-2008 or 2008-2009.

Section O Days taken to complete request

	Number of completed FOI applications					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
0- 21 days	8	7	1	3	9	10
22-35 days	3	6	0	3	3	9
Over 21 days	0	1	0	0	0	1
Over 35 days	0	1	0	0	0	1
Total	11	15	1	6	12	21

Section P Processing time: hours

	Number of completed FOI applications					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
0-10 hours	10	9	1	4	11	13
11-20 hours	1	6	0	2	1	8
21-40 hours	0	0	0	0	0	0
Over 40 hours	0	0	0	0	0	0
Total	11	15	1	6	12	21

Section Q Number of reviews

	Number of completed reviews	
	2008	2009
Internal reviews	1	2
Ombudsman reviews	0	0
ADT reviews	0	0

Section R Results of internal reviews

What were the results of internal reviews finalised?

Grounds on which internal review was requested	Number of internal reviews					
	PERSONAL		OTHER		TOTAL	
	2008	2009	2008	2009	2008	2009
	Original Agency decision upheld	Original Agency decision varied	Original Agency decision upheld	Original Agency decision varied	Original Agency decision upheld	Original Agency decision varied
Access refused	2	2	0	0	2	2
Total	2	2	0	0	2	2

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 2009

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 Blackett SC)
Mr D Sword, Community 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, Community Member (alternate Dr W Porges)

Legal Aid Review Committee No. 3

Mr K Garling – Chairperson, Minister’s Nominee (alternates Ms S Gordon and Ms Z Weremczuk)
Ms P Wright, Bar Association/Law Society Nominee (alternates Mr D Humphreys and Mr B Thomas)
Ms T Heness – Community 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 T Boyd-Caine – Community Member (alternate Ms M Tunica)

Family Law Legal Aid Review Committee No. 2

Ms E Sullivan – 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 – Community Member (alternate Ms M Good)

Committee Activities 2008–2009

Legal Aid Review Committee No. 1 met on 7 occasions and held 1 teleconference.

Legal Aid Review Committee No. 2 met on 6 occasions and held 1 teleconference.

Legal Aid Review Committee No. 3 met on 7 occasions and held 1 teleconference.

Family Law Committee No. 1 met on 14 occasions and held 2 teleconferences.

Family Law Committee No. 2 met on 15 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 2009–2009, a range of committees made recommendations to the Board in matters relating to our operations.

Board Audit and Finance Committee (BAFC)

Advises the Board about financial reporting practices, business ethics, policies and practices, accounting policies, and management and internal controls.

It 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 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 are:

	Meetings Attended
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Phillip Bickerstaff Chair, Independent	11
Phillip Taylor Independent	11
Alan Kirkland, CEO, Legal Aid NSW	11
Russell Cox, Deputy CEO, Business & Client Services, Legal Aid NSW	10

Attendance

Steve O’Connor Deputy CEO, Legal Aid NSW	1
Stephen O’Malley Director, Corporate Finance	1
Clare Hamilton Director, Corporate Finance	5
Otto Pugliano A/Director, Corporate Finance	4
Ray Jennings A/Director, Corporate Finance	1

Meetings held: 11

Civil Law Sub-Committee

Made recommendations to the Board about civil law matters.

The members are:

Andrea Durbach, Board member (Chair)	
Amanda Tibbey, NSW Bar Association	
Maria Girdler, CLC representative	
Mark Hodges, Law Society of NSW	
Mary Whitehead, Legal Aid NSW	
Tim Smith, Legal Aid NSW	
Monique Hitter, Legal Aid NSW	

Meetings held: 2

Community Legal Centres (CLCs) Funding Sub-Committee

Advised the Board on funding for community legal centres.

The members are:

Rev. Harry Herbert, Board member (Chair), Sara Blazey, Board member Helen Campbell, Chairperson	
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Combined Community Legal Centres Group NSW (now Community Legal Centres NSW)

Alastair McEwin, Director, Combined Community Legal Centres Group NSW (now Community Legal Centres NSW)
Richard Funston, Executive Director, Planning, Policy and Grants, Legal Aid NSW

Louise Blazejowska, Manager, Community Programs, Legal Aid NSW

Dennis Roach, Manager CLC Funding Program, Legal Aid NSW

Meetings held: 2

Grants Sub-Committee

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

The members are:

Phillip Taylor, Board member (Chair),

Richard Gulley, NSW Law Society
Geoff Lindsay SC, Bar Association, Board Member

Richard Funston, Executive Director, Planning, Policy and Grants, Legal Aid NSW

Meetings held: 1

ADVISORY COMMITTEES

Aboriginal Justice Committee (AJC)

Advised the CEO on Aboriginal justice initiatives, service delivery, employment strategies, and building partnerships with external bodies.

The members are:

Scott Hawkins, Director, Aboriginal Services (Chair)

Alan Kirkland, CEO, Legal Aid NSW

Steve O'Connor, Deputy CEO Legal Services

Richard Funston, Executive Director, Planning, Policy and Grants

Kylie Beckhouse, Director, Family Law

Monique Hitter, Director, Civil Law

Brian Sandland, Director, Criminal Law

Josephine Cashman, Criminal Legal Officer, Bankstown Legal Aid office

Liz West, Manager, Aboriginal Programs Unit, NSW Attorney General's Department

Gerry Moore, CEO, Aboriginal Legal Service NSW/ACT

John McKenzie, Principal Solicitor, Aboriginal Legal Service (NSW/ACT)

Renee Williamson, Coordinator, Aboriginal Legal Access Program, Combined Community Legal Centres Group

Meetings held: 4

Cooperative Legal Service Delivery (CLSD) Program Steering Committee

Advised the CEO on the CLSD Program.

The members are:

Jenny Lovric, CLSD Program Unit, Legal Aid NSW (Chair)

Grant Arbuthnot, Tenant's Union NSW

Raymond Brazil, Aboriginal Legal Service NSW/ACT

Caroline Seagrove, NSW Legal Assistance Forum

Anne Cregan, Blake Dawson

Amelia Davis, Blake Dawson

Mia Zahra, LawAccess NSW

Kim Gabler, CLSD Program Unit, Legal Aid NSW

Jennifer Goodsir (Court Services)

Amy Kilpatrick, Public Interest Law Clearing House

John McKenzie, Aboriginal Legal Service (NSW/ACT)

Kylie Nicholls, Court Services, Department of Justice and Attorney General

Angela Pollard, Northern Rivers Community Legal Centre

Alastair McEwin, Combined Community Legal Centres Group (NSW) Inc. (now Community Legal Centres NSW)

Jane Pritchard, LawAccess NSW

Sue Scott, Law & Justice Foundation of NSW

Judi Teesdale, Law Society of NSW

Sue Walden, Legal Information Access Centre, State Library of NSW

Meetings held: 3

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 are:

Professor David Farrier, University of Wollongong (Chair)

Dr Alan Jones, Australian Museum

Linda Pearson, University of NSW

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

Meetings held: 6

Human Rights Committee

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

The members are:

Associate Professor Andrea Durbach, University of NSW (Chair)

Professor George Williams (alternate Chair), University of NSW

Dr Christine Nolan, University of NSW

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)

Meetings held: 14

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 are:

Louise Blazejowska, Manager, Community Partnerships, Legal Aid NSW

Michelle Jones, Manager WDVCAP, Legal Aid NSW (from February 2009)

Karen Wilcox, Manager WDVCAP, Legal Aid NSW (to September 2008)

Significant committees

Vaughan Roles, A/Manager
WDVCAP, Legal Aid NSW
(October 2008 to January 2009)

Julie Stewart, Project Officer,
WDVCAP, Legal Aid NSW

Bev Lazarou, Project Officer,
WDVCAP, Legal Aid NSW

Rebecca Hazel, A/Project Officer,
WDVCAP, Legal Aid NSW (January
to May 2009)

Cheryl Alexander, WDV CAS
Network Representative

Elly Raffo, WDV CAS Network
Representative

Kieryn Deutrom, WDV CAS
Network Representative (Rural)

Jen Taylor, WDV CAS Network
Representative (Rural) (from May
2009)

Victoria Colebrook, WDV CAS
Aboriginal Specialist Worker
Representative

Sara Blazey, Legal Aid NSW Board
Representative

Robyn Auld, Senior Programs
Officer, Policy and Programs, NSW
Police Force

Christine Robinson, Coordinator,
Wirringa Baiya Aboriginal
Women's Centre

Sussie Lee, Executive Officer,
Immigrant Women's Speakout

Alex Faraguna, Intellectual
Disability Rights Service Inc.

Kim Price, Manager, Women's
Legal Services NSW

Kylie Nicholls, A/Assistant Director,
Court Services, NSW Attorney
General's Department

Jenny Goodsir, Court Services,
NSW Attorney General's
Department

Meetings held: 4

INTERNAL COMMITTEES

Access and Equity Committee

Advised the CEO on policies and
strategies to ensure Legal Aid
NSW delivers equitable services to
the community and its staff.

The members are:

Alan Kirkland CEO (Chair)

Tracey Bosnich, Grants Division

Anne Corbett, Criminal Law

Russell Cox, Business & Client Services

Nihal Danis, Mental Health
Advocacy Service

Rouada El-Ayoubi, Family Law
(from June 09)

Susan Emery, Civil Law Division

Richard Funston, Planning, Policy
& Grants

Christine Johnson, Executive

Pam King, Policy, Planning &
Grants

Merona Martin, Access & Equity
Coordinator (until March 2009)

Annmarie Lumsden, Executive
Officer (now Director, Grants)

Pauline McCarthy, Access & Equity
Coordinator

Jan Pittard, Human Resources

Vaughan Roles, Criminal Law
Practice

June Woolcott, Business & Client
Services

Meetings held: 4

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 are:

Employer representatives

Russell Cox, Executive

Jennifer Bulkeley, Human
Resources

Nohad Ghibely, Executive Officer
June Woolcott, Business & Client
Services

Christine Johnson, Executive

Robert Wheeler, Civil Law

Employee representatives

Shirl Acland, Metropolitan Region
(A/Chair)

Rebecca Sutera, Northern Region
(until April 09)

Michael Kozlowski, Northern Region

Rosemarie Lambert, Southern Region

Sylvia Coleman, Southern Region
(until April 09)

Danielle Castles, Metropolitan
Region (until January 09)

Tim Dougall, Metropolitan Region
(until April 2009)

Sevda Cranston, Metropolitan
Region

Amanda Zerbst, Metropolitan
Region

Diganta Kumar, Metropolitan
Region

Meetings held: 5

Peak Consultative Committee (PCC)

The PCC meets bi-monthly to
discuss issues affecting Legal
Aid NSW in accordance with
the Premier's Consultative
Arrangements.

The members are:

Legal Aid NSW

Alan Kirkland, CEO

Russell Cox, Deputy CEO, Business
& Client Services

Jennifer Bulkeley, Director Human
Resources

Nohad Ghibely, Senior HRM
Consultant

Public Service Association

Sue Emery

John Moratelli

Stephen Spencer

Meetings held: 6

OTHER COMMITTEES

CASES/ATLAS/TRIM Systems
Implementation Committee

Human Resources Sub-Committee

IT Executive Committee

IT Consultative Committee

Learning and Development
Executive Committee

*Report on Legal Aid NSW Services
to People in Domestic Violence
Matters* (November 2008)

Steering Committee

*Report on Family and Civil Law
Needs of Aboriginal People in
NSW* Implementation Committee

Rural Regional and Remote
Working Group

Savings Implementation Plan
Review Committee

Savings Implementation Plan
Consultative Committee

Working with other organisations

Legal Aid NSW staff were members of over 120 inter-agency committees that contributed to improving access to justice for disadvantaged communities.

NATIONAL LEGAL AID COMMITTEES

Community Legal Education Working Group
Consumer Law Working Group
Dispute Resolution Working Group
Family Law Working Group
Finance Working Group
Grants National Statistics Working Party
Human Resources Working Group
IT Managers' Group
National Legal Aid Directors
Older Persons Law National Network
Practice Working Group

NSW LEGAL ASSISTANCE FORUM (NLAF)

NSW Legal Assistance Forum, Aboriginal Working Group
Availability of Lawyers for Disadvantaged People in Regional, Rural and Remote NSW Working Group
Cultural and Linguistic Diversity Working Group
Legal Information and Referral Forum
Older Persons Working Group
Prisoners Working Group
Rural Issues Working Group
Training Committee
Women's Advisory Council, NLAF sub-working group

LAW SOCIETY OF NSW COMMITTEES

Family Law Issues
Government Solicitors
Law Week Board
Law Week Planning
Mentoring Program
Young Lawyers Family Law

ABORIGINAL FORUMS

Aboriginal Community Justice Groups
Aboriginal Legal Service NSW/ACT Board (Honorary Director)
Aboriginal Justice Network
Do It Right Project (Aboriginal employment/social security) Planning Committee
Good Service Forum (Aboriginal consumer law) Planning Committee
Making it our Business, Improving the employment, retention and career progression of Aboriginal people in the NSW Public Sector (NSW Premier's Department)

CIVIL LAW COMMITTEES

Australian Securities and Investments Commission Advisory Panel
Boarders and Lodgers Action Group
Children in Detention Project
Consumer Consultative Committee
Commercial Division Consultative Forum
Consumer Trader and Tenancy Tribunal Consumer Trader and Tenancy
Tribunal Tenancy Division Consultative Forum
Financial Ombudsman Service
Insurance Council of Australia
NSW Homelessness Working Group
NSW Supreme Court Possession List Users Group
Parks Legal Working Group
Planning for Later Life Forum
Public Housing Issues Working Party
Residential Parks Forum
Retirement Villages Advisory Council
Supreme Court Possession List Users Group
Tenancy Legal Working Party

CRIMINAL LAW COMMITTEES

Audio Visual Steering Committee
AVL Bail Court Working Group
Criminal Case Conferencing Evaluation Group
Case Conferencing for Young Adults Working Party
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 CEOs Senior Officers Group
Criminal Justice Research Network
Homeless Persons Legal Service
JusticeLink Group
Local Court Users Forum
Sexual Assault Taskforce Implementation Committee
Sexual Offences Working Party
Standing Interagency Advisory Committee on Court Security (Justice Safety Task Force)
Supreme Court Users Group
Trial Efficiency Working Group
Working Party on amendments to *Mental Health (Criminal Procedure Act)*
Working party of Drug Move-On Powers
Working party on the Children's (Care and Protection) Act
Youth Action and Policy Association
Youth Conduct Order Advisory Committee
Youth Conduct Order Working Party
Youth Justice Advisory Committee
Youth Justice Coalition

DOMESTIC VIOLENCE

Apprehended Violence Orders
Legal Issues Coordinating
Committee (AVLICC) (NSW
Attorney General's Department)

Domestic Violence Court
Intervention Model Senior
Officers Group (NSW Attorney
General's Department)

Domestic Violence Senior
Officers Group (Department of
Premier and Cabinet)

NSW Standardised Domestic
Violence Package (NSW Attorney
General's Department)

Domestic Violence Court
Intervention Model

Staying home leaving violence
(Executive Committee, NSW
Department of Community
Services)

White Ribbon Ambassadors
(for the elimination of violence
against women)

FAMILY LAW COMMITTEES

Children's Court Advisory
Committee

Children's Court User Forums

Children's Court Working Party

Children's Law News Editorial
Board

Child Support National
Stakeholder Network

Child Support Network

Engagement Group (Child
Support Agency, Department of
Families, Housing, Community
Services and Indigenous Affairs)

Expert Working Party on
Alternative Dispute Resolution
in Care and Protection (NSW
Attorney General's Department)

Family Courts User Forums

Greater Sydney Families in
Transition Network Group

Hunter Pathways Group

Illawarra Pathways Group

Magellan Program, Family Court
Steering Committee

Riverina Pathways Group

GENERAL COMMITTEES

ATLAS Board

CEO Network

Combined Community Legal
Centres Group Training Reference
Group

Joint Outreach Initiative Network
(JOIN)

Justice Agencies OH&S Forum

Justice Sector Chief Information
Officer (CIO) Forum

Justice Sector Information
Exchange Coordination
Committee

LawAccess NSW (Board
membership)

Learning and Development
Managers Forum (cross Public
Sector)

Legal Aid NSW and Office of
the NSW Director of Public
Prosecutions Joint Working Party

Legal Information Access Centre
Advisory Board

Legal Information and Referral
Forum

Legal Needs and Strategic
Planning Project

MIDAS (Mid Size Agencies OH&S
& Injury Management Forum)

Public Sector CHRIS User Group

Public Interest Advocacy Centre
(Board membership)

Public Interest Law Clearing
House (Board of Directors)

Pro Bono Legal Services
Committee

Welfare Rights Centre

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:

I. JURISDICTION TEST

The 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: State: Care and protection

- Alternative dispute resolution under the *Children and Young Persons (Care and Protection) Act 1998*
- Proceedings under the *Children and Young Persons (Care and Protection) Act 1998* in the Children's, District, Supreme and High Courts
- Proceedings in the Community Services Division of the Administrative Decisions Tribunal

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:

- Orders relating to children, including parenting orders, location and recovery orders (including separate representation of children)
- Child support and child maintenance matters
- Spousal maintenance matters
- Divorce and nullity of marriage matters in limited circumstances
- Property proceedings
- Contempt in limited circumstances
- Appeals to the Social Security Appeals Tribunal and the Administrative Appeals Tribunal in relation to child support

Civil law: State

- Matters where it is likely the applicant will lose his or her dwelling
- Consumer protection matters
- Public interest environment matters
- Public interest human rights 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*.

Civil law: State: Mental health

- Magistrates' inquiries under the *Mental Health Act 2007*
- Proceedings before the Mental Health Review Tribunal
- Matters relating to Community Treatment Orders
- Appeals to the Mental Health Review Tribunal and Supreme Court
- Matters where the applicant is a forensic patient
- 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
- Matters relating to dependency certificates and appeals under the *Drug and Alcohol Treatment Act 2007* pilot program.

Civil law: State: 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'.

An applicant at special disadvantage is: a child or an applicant acting on behalf of a child; or a person who has 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

Policies in brief

- 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 matters
- Migration matters in limited circumstances
- Consumer protection matters
- Proceedings under the *Proceeds of Crime Act 2002*
- Extradition proceedings
- Public Interest Human Rights matters

Civil law: Commonwealth: 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*

Criminal law: State and Commonwealth Local Court matters

- Most State 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
- Most State criminal matters commenced other than by a police charge if there is a real possibility of gaol or exceptional circumstances exist
- Commonwealth criminal matters in which the applicant is pleading guilty
- Trials in Commonwealth criminal matters, in limited circumstances
- Committal proceedings
- Domestic violence proceedings
- Annulment applications under

Part 2 of the *Crimes (Appeal And Review) Act 2001*

- Drug court matters
- Matters where the applicant is contesting a forensic procedure application under the *Crimes (Forensic Procedures) Act 2000*
- Bail applications in State matters and, in limited circumstances, in Commonwealth matters
- Some matters where the applicant is participating in a restorative justice program

Criminal law: State and Commonwealth District Court, Supreme Court, Court of Criminal Appeal and High Court matters

- Indictable matters
- Appeals
- Proceedings under Part 7 of the *Crimes (Appeal and Review) Act 2001*
- Matters where the applicant is the defendant in a prosecution in the Land and Environment Court under environmental protection legislation, in limited circumstances
- Matters involving defended charges arising under Commonwealth statute (excluding the *Proceeds of Crime Act 1987*) in certain circumstances
- Matters 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 matters under Part 2A of the *Terrorism (Police Powers) Act 2002*

Criminal Law: State and Commonwealth Children's criminal matters

- Proceedings in the Children's Court including committals
- Trials and sentence matters in the District and Supreme Courts

- Appeals
- Matters where the applicant is participating in a restorative justice program

Criminal Law: State: Prisoners' discipline and parole matters

- Visiting justice proceedings and life re-sentencing applications
- Parole Board Review hearings and reviews of segregation directions
- Advice and minor assistance in other matters

2. MEANS TEST

Legal Aid NSW applies a means test which takes into account an applicant's income and assets in order to:

- a. assess whether that person is eligible to receive legal aid; and
- b. if that person is eligible to receive legal aid, determine what contribution he or she should make to the costs of the matter.

The means test consists of three sub-tests:

1. Income test

The income test is applied to the applicant's net assessable income, which is the applicant's gross assessable income less allowable deductions. Allowable deductions include income tax paid, housing costs, an allowance for dependants, child support and child care costs. Applicants for legal aid receiving one of the eligible Centrelink income support payments at the maximum rate will satisfy the income part of the means test.

2. Assets test

The assets test is applied to the applicant's net assessable assets, which are the applicant's gross assessable assets less excluded assets. Examples of excluded assets are

household furniture, clothing, work tools, lump sum payments, and home, motor vehicle and farm/business equity up to a certain value.

3. Applicant's ability to pay legal costs test

Legal Aid NSW also considers the applicant's ability to pay legal costs, having regard to his or her general assets and ability to realise or secure a loan. The application will be refused where the applicant's lifestyle, activities and/or interests suggest that he or she has access to sufficient means to be able to pay for legal costs.

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 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.

Which matters are means tested?

The means test applies to both State and Commonwealth matters, with some exceptions.

*The means test is **not** applied to:*

- Legal advice and minor assistance services
- Family, care and protection and civil law duty matters
- Children in Children's Court matters
- Children in care matters
- Children participating in restorative justice programs
- Children represented by an independent children's lawyer after an order of the Family Court
- Children in Family Court proceedings concerning a

special medical procedure

- 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 (except for war service pension claims and appeals from the AAT)
- Disabled persons in matters before the Guardianship Tribunal, and Supreme Court appeals from the Tribunal.
- Drug Court matters
- *Drug and Alcohol Treatment Act 2007* matters (except for appeals)

All other matters are means tested.

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. In deciding this, Legal Aid NSW takes into account, among other things, 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:

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

A merit test is applied to:

- Most non-criminal matters (civil, family, care and protection, 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 is not applied to:

- Criminal law matters (except appeals and Supreme Court bail applications)
- Children in the Children's Court
- Disabled persons in matters before the Guardianship Tribunal
- Children represented by an independent children's lawyer after an order of the Family Court
- 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.

For further details of our policies, please see the Legal Aid NSW website at www.legalaid.nsw.gov.au or contact the Legal Policy Branch, Strategic Planning and Policy Division on 9219 5859 or 9219 5034.

30 June 2009

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

New computerised grants management system.

CALD

People from culturally and linguistically diverse backgrounds.

CASES

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 services

Legal advice and representation provided at a court or tribunal for some matters not requiring a grant of aid.

EAPS

Ethnic Affairs Priority Statement.

EEO

Equal Employment Opportunity.

E-Lodgement

Online lodgement/transfer of an application or proforma invoice from a private lawyer's practice or inhouse office to the Grants Division, using the Grants Online system.

Family Dispute Resolution (FDR)

A dispute resolution conference (mediation) facilitated by a neutral third party, that resolves disputes by consensus.

Family law conference

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

FTE

Full-time equivalent. Represents the number of staff positions equating to 35 hours per week.

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

Work done in advice sessions (i.e. simple correspondence, phone call) but not where a formal legal aid application is submitted.

Reporting period

From 1 July 2008 to 30 June 2009.

Social exclusion/inclusion

The term "social exclusion" is a shorthand term for what can happen when people or areas suffer from a combination of linked problems such as underemployment, poor skills, low incomes, poor housing, high crime, bad health and family breakdown.

Lack of access to reliable legal assistance can be a contributing factor in creating and maintaining social exclusion. Without access to proper legal assistance people are often unable to enforce their legal rights effectively, and are sometimes unaware of their rights and responsibilities altogether. Promoting access to reliable legal assistance can contribute to creating and maintaining social inclusion.

TRIM

Legal Aid NSW's records management system.

Index

A

Aboriginal service delivery, 3, 12–13, 34
 access to justice, 5, 9
 accessibility of legal aid, 10
 addresses, back cover
 advisory committees, 147–148
annual report
 awards, 1, 3
 format, 1
 legislation requirements, 125–127
 production costs, back cover
 assets, 84–85, 94, 112–113, 121
 assigned matters **see** private lawyers
 audit, 67–68, 103–104, 126
 availability of funds test, 153

B

balance sheets, 71, 107
 Board, 2, 54–55, 66, 144–147
 budget review, 2, 95
business hours, back cover

C

Chairperson's report, 2
 Chief Executive Officer, 2–3, 102, 129
 Children's Legal Service, 7, 19
 civil law, 15–16, 141, 143
 client services, 3–24, 139
 clients, 4, 12–14, 21, 139
committees, 146–148
 Commonwealth matters, 143
 Community Legal Centres (CLCs)
 funding, 29–30, 130
 community legal education, 2, 5, 7, 10, 22–23, 142
community organisation grants, 29–30, 130
 community programs, 29–31
 complaints handling, 60–61
consultants, 126
consumer response, 10, 15
 corporate governance, 53–61
 corporate plan, 3, 5, 8–9, 58
credit card certification, 63
 criminal law, 19–20, 140, 143

D

directors, 4, 57
Disability Action Plan, 21
 divisions, 4
 duty solicitor services, 6–7

E

electronic service delivery, 23, 32
 employees **see** staff
energy management, 45
Equal Employment Opportunity (EEO), 38–39, 136
 ethical behaviour, 58
Ethnic Affairs Priority Statement (EAPS), 21
 executive officers, 4, 57
 external forums, 51–52

F

fairness & opportunity, 5, 46–52

family dispute resolution, 2, 7, 17, 142
 family law, 17–18, 141–143
 financial directives, 75
 financial management, 4–5
 financial performance, 58, 64
financial statements, 64–127
freedom of information, 60, 144–145
 funding, 125–126

G

glossary, 154
 governance, 53–61

H

homeless people, 14, 16
 human resources **see** staff
 human rights, 49–50

I

information services, 6
insurance, 77
 integrated services, 5, 9
 inter-agency networks, 34, 149–150
 internal audits, 2, 58–59
 investment performance, 127

J

jurisdiction test, 151–152
 justice system, 5, 8–9, 46–52

K

key performance indicators, 10
 law reform, 51, 137–138
 lawyers **see** private lawyers

L

legal advice and minor assistance, 6
 Legal Aid Review Committees, 145
 legal practice operational statistics, 140–143
 legal representation, 6, 10
legislation, 1, 51, 137–138
 legislative compliance, 59–60
letter of submission, inside front cover

M

management, 4
 means test, 152–153
 mental illness, clients with, 14
 merit test, 153
 mortgage services, 15–16
 motor vehicle claims, 127

N

National Legal Aid, 51

O

occupational health & safety, 40
 Office of the Legal Aid Commission
 financial statements, 101–127
 offices, back cover
 older people, 13
 organisational chart, 56
 organisational capability, 5, 8–9, 35–45

P

partnerships, 5, 8–9, 25–34
payment performance, 125
 people **see** staff
 performance, 4, 10, 156–157

planning, 3, 5, 8–9, 58
 policies, 45, 151–153
 prisoner services, 7, 49–50
privacy and personal information protection, 61
 private lawyers, 2, 4–6, 24, 26, 32–33, 139, 142
 public accountability, 60–61
 publications, 7, 132

R

regional services, 27–28
risk management, 58–59, 127

S

savings, 2
 services **see** client services
 social inclusion, 5, 9, 16, 47–48, 154
 specialist services, 7
 staff, 4, 36–41
 commitment, 2, 3
 employee relations, 41
 equal employment opportunity (EEO), 38–39, 136
 human resources information, 36, 135–136
 learning & development, 36–38, 133–134
 movements in wages, salaries & allowances, 79, 109, 111
 occupational health & safety (OH&S), 40
 officers & employees by category, 135
 personal achievements, 39
 policy & review, 41
 statistics
 explanatory notes, 139
 legal practice, 140–143
 staff, 36, 135–136
summary of operations, 6–7, 140–143
 superannuation fund information, 87–92, 114–120
 systems & processes, 42–45

T

targets, 3, 10
 trust funds, 96

W

waste management, 45
women's action plan, 21
 Women's Domestic Violence Court Advocacy Program (WDVCAP), 3, 30–31, 131
 workers compensation, 40–41, 127

Y

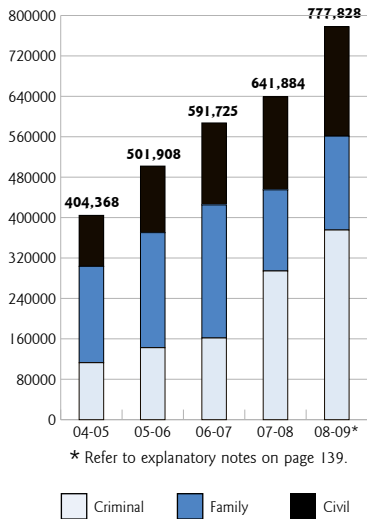
young people, 19–20
 youth hotline, 7

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.

Five year performance trends

There has been a steady increase in client services

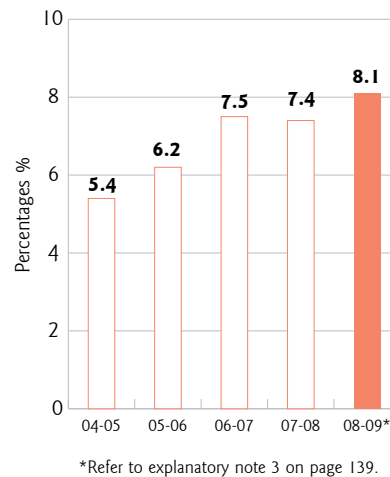
TOTAL CLIENT SERVICES BY LAW TYPE



Client services include legal advice, minor assistance, legal representation, duty services and information services (page 140). Community legal education sessions are excluded.

We have increased our services to Aboriginal clients

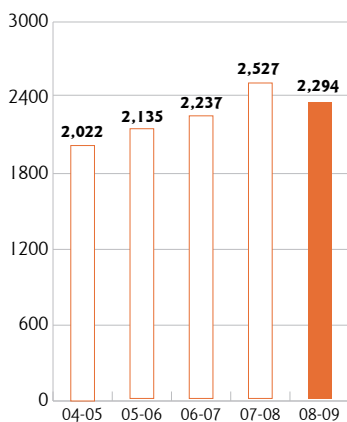
PERCENTAGE OF TOTAL CASE AND INHOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS



Services to Aboriginal people have increased over five years in all practice areas. Criminal law remains the largest area of services; however, increases have also occurred in civil and family law. (page 12).

Each year since 2005, we have surpassed our target of 2,000 conferences

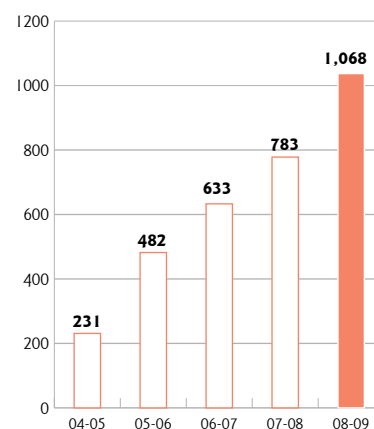
TOTAL MEDIATION CONFERENCES IN FAMILY LAW



We continue to assist growing numbers of clients to resolve their family law disputes without going to court (page 17).

Community legal education sessions have increased significantly from 2005

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 22).

CENTRAL SYDNEY

Ground Floor,
323 Castlereagh Street
Sydney NSW 2000
Tel: 9219 5000
TTY: 9219 5126

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
TTY: 9747 0214

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

Suite 4, 95 Byng Street,
Orange 2800
Tel: 6362 8022

PARRAMATTA (FAMILY & CIVIL LAW)

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 3800
TTY: 9687 7538

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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