

Annual Report 2009 – 2010



CELEBRATING
30
YEARS
OF LEGAL AID
1979-2009

Legal Aid
NEW SOUTH WALES

Overview

Chair's report	2
CEO's report	3
Highlights and plans	5
Services at a glance	6
Measuring performance	8
Fact file	9
Corporate Plan	10
Justice system	12
Section 1 Client services	13
Client service delivery highlights, including case reports and policy direction	
Section 2 Collaborating with our partners	31
Key partners help us increase our achievements	
Section 3 Managing our organisation	45
The performance of our highly skilled people; and our efficiency highlights	
Section 4 Corporate governance	57
The Board	58
Organisation chart	60
Directors	61
Governance framework	62
Section 5 Financial summary	67
Financial overview and statements	68
Section 6 Appendices	133
Glossary	160
Index	162
5 year performance trends	164
How to contact us	Back page

The Hon John Hatzistergos MLC
Attorney General, Minister for Citizenship and
Minister for Regulatory Reform
Governor Macquarie Tower
Sydney NSW 2000

Dear Attorney

Legal Aid NSW has pleasure in presenting to you the report of its activities for the year ended 30 June 2010. This report is submitted in accordance with section 13(1) of the *Legal Aid Commission Act 1979* and section 10(1) of the *Annual Reports (Statutory Bodies) Act 1984*.

Yours sincerely



Alan Kirkland
Chief Executive Officer
October 2010

About us

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

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

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

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

About this report

This annual report reviews and reports our performance, including what we set out to do in our Corporate Plan 2009-2011, based on four key corporate priorities: **Social Inclusion, Access to Justice, Integrated Services and Organisational Flexibility**.

Achievements in the report are strongly aligned with our new plan – services for people at greatest risk of social exclusion; expanded early intervention programs; an increased focus on strong partnerships; and greater flexibility so we can respond better to clients' changing legal needs.

In this report we refer to ourselves as Legal Aid NSW.

Although our organisation is established under the *Legal Aid Commission Act 1979*, the Board endorsed the use of the name Legal Aid NSW in 2006.

Last year's annual report received a Gold Award from the Australasian Reporting Awards – our third Gold Award. The report also won the Silver Award in the 2010 Premier's Public Service Awards.

This is our 31st annual report. It can be downloaded from the Legal Aid NSW website: 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 equitable access to services

Celebrating 30 years of legal aid



Legal Aid NSW celebrated its 30th anniversary year on 5 November 2009. There have

been enormous changes in the work of Legal Aid NSW over the past 30 years, including the growth in advice and minor assistance services, the development of cutting edge community legal education programs and the establishment of specialist services across criminal, civil and family law – just to name a few.

In 1979, there were 10 offices and 143 staff. Expenditure was \$600,000 and the number of services provided was around 50,000. In 2010, services are closer to the 800,000 mark, with 909 staff working in 22 offices around NSW. Expenditure is over \$200 million.

This birthday year was also a year of major reform, with Attorneys General from across Australia agreeing on a new framework for access to justice. The aim of the new framework is to help people to identify and resolve legal problems as early as possible, through increasing the availability of legal information, advice and minor assistance services.

These reforms make it one of the most exciting and interesting periods in the history of legal assistance in Australia since the establishment of broadly based, government-funded legal aid bodies in the 1970s.

*Cover: Legal Aid NSW lawyers Rebecca Neil, Paul Johnson, Will Tuckey and Melissa Schenk attend the Downing Centre in Sydney to appear on behalf of accused persons eligible for legal aid.
Photo: Dani Pontes*

Our history

In less than 100 years, legal aid has developed from a charity to an important part of the justice system.

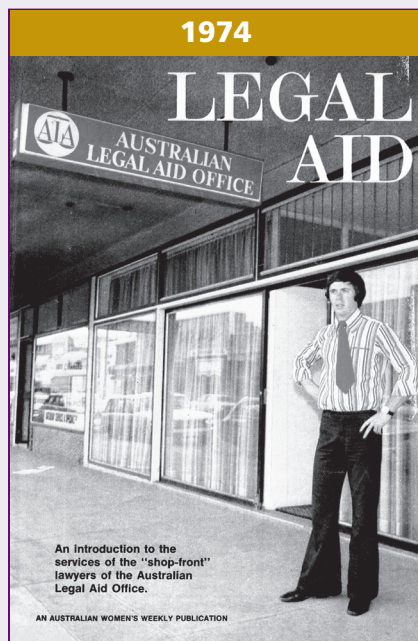
1900-1940s

Legal aid was treated as a charity or a privilege until 1943, when the Public Solicitor's Office was set up with salaried government lawyers providing aid in criminal matters.

It was the first time in the western world that lawyers were employed to give legal aid to low income earners. Legal aid was now seen as a social right.

1970s

The Federal Government established the Australian Legal Aid Office (ALAO) in 1974 for legal aid services that fell within federal law. These "shopfront lawyers" were easy to access and helped dispel the intimidating and confusing face of the law.



1979

The NSW Government established the Legal Services Commission (now known as Legal Aid NSW), combining the Public Solicitor's Office and the Law Society Legal Aid Scheme.

1980s

State and federal legal aid offices merged and after 1987 the Legal Aid Commission of NSW handled legal aid for both state and federal areas of law.

2000 and beyond

Since 2000, we have supported the establishment of LawAccess NSW as a first class telephone legal information service, and have overseen a significant expansion of community legal education, advice and minor assistance services.



Then and now. Left: Cover of a 1970s magazine showing a shopfront lawyer and right, celebrating 30 years of Legal Aid, Tania Johnson, criminal lawyer says: "Working with Legal Aid is a continuing challenge. With each day comes a new client, a new matter, a change in legislation. It is this diversity that not only ensures our professional progression and inspires our devotion, but will also ensure Legal Aid – and those dedicated to represent it – will forever have a place in the criminal justice system."

Chair's report

On behalf of the Board, I am pleased to introduce the 2009-2010 Annual Report.

A new Board

I assumed the role of Chair in November 2009. I would like to acknowledge the contribution of my predecessor, Phillip Taylor, who had steered the Board through the previous nine years. In joining the Board, I was accompanied by four other new members – Ian McClintock SC, Mary Macken, John Bordon and Maria Girdler.

Reviewing Board processes

The renewal of the Board presented an opportunity to make some changes to the operation of the Board. Consistent with a decision of the outgoing Board, the number of Board meetings each year was reduced from eleven to six. The membership and terms of reference of Board Committees were reviewed. In particular, the charter of the Audit and Risk Committee was updated, to reflect new Government requirements for internal audit processes.



“It is important for the Board to ensure that policies on the provision of legal aid reflect contemporary needs.”

Quality services

Ensuring that services are delivered in an efficient manner, and to a high standard, is an important aspect of the Board's role. During 2009-2010, the Board considered reports arising from reviews of a number of programs and services, including an evaluation of the Regional Solicitor Program, a review of the Older Persons' Legal and Education Program, an evaluation of the Homeless Persons' Legal Service Advocate Pilot and an analysis of the provision of legal aid in restorative justice projects. The review of the Older Persons' Program was particularly positive, indicating that with a relatively small amount of funding, Legal Aid NSW and the Aged-care Rights Service have achieved significant improvements in the provision of legal assistance to older people.

Responding to change

It is important for the Board to ensure that policies on the provision of legal aid reflect contemporary needs. The Board approved changes to policy in relation to consumer protection matters, services for homeless people, restorative justice programs, alternative dispute resolution in care and protection matters, proceedings before the Mental Health Review Tribunal and orders related to a criminal conviction. Some of these decisions were made in response to changes in the legislative environment, while others arose from reviews of policies and programs.

The year ahead

The year ahead holds many opportunities, with a welcome boost in funding provided by the Australian Government. Our role as a Board will require us to ensure that this is used in the most effective manner, and to manage the expectations that inevitably accompany new funding.

I have enjoyed seeing how Legal Aid NSW has evolved over the 18 years since, as Attorney General, I was the minister responsible for the organisation. I look forward to the opportunity to guide the organisation through the next stage in its development.

A handwritten signature in black ink, which appears to read 'Peter Collins'.

HON PETER COLLINS AM QC
CHAIR, LEGAL AID NSW

CEO's report

The 2009-2010 year marked the first year of a new, two-year Corporate Plan, organised under four priority areas: social inclusion, access to justice, integrated services and organisational flexibility.

Social inclusion

Much of our work to prioritise services for people at greatest risk of social exclusion was dominated by the global financial crisis, with a focus on assisting people experiencing difficulty managing debts. At the same time, we managed to continue to expand services for Aboriginal communities and people in domestic violence situations.

Our work to revise some of our core policies on eligibility for legal aid, to reflect indicators of social inclusion, will continue during 2010-2011. This is a critical area of work.

The new social inclusion framework could radically change the way in which we go about our business. It has thrown up some challenges about how human rights sit within a social inclusion framework and whether we should be casting our net wider – which is challenging, given our scarce resources. There is also a challenge in making this meaningful to many busy staff across the State.

Access to justice

We set about improving our relationships with organisations that work with newly arrived refugee and migrant communities, and worked with the Aboriginal Legal Service to develop a pilot of new Aboriginal Field Officers, to help us to improve and expand outreach services in Aboriginal communities.

Legal Aid NSW was involved in the development of several significant reforms within the justice system, including pilots of alternative dispute resolution in the care and protection system and the expansion of the Drug Court to the Hunter.

A major challenge for 2010-2011 will be the overhaul of our website, which has the potential to be a much better source of information on our services.

Integrated services

Our internal review of progress against the Corporate Plan, conducted in June 2010, identified that progress in the area of integrated services was a relative weakness, and would require further effort in 2010-2011.

We did, however, develop several interesting pilots of cross-divisional service delivery – one to improve assistance for people facing prosecution for Centrelink fraud (in Wollongong) and one for children and young people requiring assistance in both juvenile justice and care matters (in Campbelltown).

During 2010-2011 we will be evaluating these initiatives and working out how they might be expanded to other offices.

Organisational flexibility

As a first step in this area, we changed the financial and operational reports used by the Executive and Board. Over the next year, we need to develop a better understanding of the external drivers that impact on our services, and assist staff to develop their skills in analysing data.

Our people

In reviewing the Corporate Plan, we recognised that it was very service-focussed, and that while there were some benefits to this approach, it failed to recognise a number of initiatives aimed at improving the skills and wellbeing of our staff. There were significant developments in this area, including the establishment of the Mental Health and Wellbeing Working Group. In developing our next plans, we will need to think about how these initiatives can be better represented.



“Although we have grown and evolved to respond to the needs of our clients, we have lost none of the enthusiasm that has characterised our commitment to high quality legal services over many years.”

Alan Kirkland comments on 30 years of legal aid services.

CEO's report



“I feel very lucky to be the person in the Chief Executive Officer's seat in this, our 30th anniversary year.”

Alan Kirkland speaking at the 30th birthday celebrations that took place on 5 November 2009.

Financial performance

Our expenditure grew from \$215.9 million in 2008-2009 to \$217.2 million in 2009-2010. While some of this was due to extraordinary factors during the year, and some of it was due to newly funded initiatives, some of it was the result of underlying growth in demand. The additional funding provided from 2010–2011 by the State and Commonwealth Governments recognises these pressures, and should assist us to keep expenditure within budget in 2010–2011.

Our Board

The past year also saw a changing of the guard at Board level. I would like to express my thanks to the outgoing Chair, Phillip Taylor, for his sage advice and support, as well as Board members Geoff Lindsay, Pauline Wright, Linda Webb, Sara Blazey and Jack Grahame.

We welcomed the appointment of former Attorney General, the Hon Peter Collins AM QC, as our new Chair.

He was joined by new Board members Mary Macken, Ian McClintock, Maria Girdler and John Bordon, each of whom has already made a valuable contribution.

Looking forward

Our 30th anniversary, celebrated in November 2009, provided an opportunity to reflect on the role and contribution of Legal Aid NSW. The consistent theme in the stories of the past 30 years was the commitment and dedication of our staff to making a difference, often in challenging circumstances.

Although we have grown and evolved to respond to the needs of our clients, we have lost none of the enthusiasm that has characterised our commitment to high quality legal services over many years.

ALAN KIRKLAND
CEO, LEGAL AID NSW

Highlights at a glance

We made progress towards the goals set in our Corporate Plan 2009–2011.

Legal Aid NSW has a very broad range of services, each working in the interests of their particular client group. This year, our new Corporate Plan and divisional plans encouraged staff to transcend organisational boundaries and provide integrated services that can achieve better results for clients.

This was the first year of a new two-year Corporate Plan. The results are positive.

We have improved our capacity to provide effective and flexible services in response to our clients' changing legal needs. The second year of the Plan will build on this momentum.

Some actions in the Corporate Plan lend themselves to more than one corporate priority; therefore there may be some overlap.

There are **four priorities** in the Corporate Plan – Social Inclusion, Access to Justice, Integrated Services and Organisational Flexibility.

PRIORITY 1: SOCIAL INCLUSION

Commenced work on a social inclusion plan and service directory (page 14)

Developed a pilot to employ Aboriginal field officers (page 15)

Opened seven more advice clinics for homeless people (page 17)

Expanded services for priority client groups (page 15)

Delivered Aboriginal Cultural Awareness Training to 133 staff (page 48)

Expanded domestic violence services to 43 more courts (page 37)

Established a Mortgage Hardship Program (page 20)

PRIORITY 2: ACCESS TO JUSTICE

Provided 801,356 client services (page 9)

Conducted 2,574 mediations in family law (80.8% settlement rate) (page 22)

Increased education programs by 33.4% (page 27)

Made 37 law reform submissions (pages 28, 142)

Provided regular outreach in 98 locations across NSW (pages 8, 40)

Published 10 new resources (pages 18, 21, 22, 25)

Commenced work on two new barrister panels (page 34)

Increased bilingual education services (page 18)

PRIORITY 3: INTEGRATED SERVICES

Appointed 570 private lawyers to panels, 20% more than last year (page 33)

Established a new domestic violence panel (page 33)

Piloted an early intervention strategy to keep people out of court (page 19)

Completed two major systems upgrades (page 53)

Assessed 27% of our records collection (page 53)

Established a new Family Law Legal Aid Review Committee (page 66)

Welcomed a new Chair and a number of new Board members (pages 58, 59)

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

Upgraded our Information Technology disaster recovery site (pages 55, 63)

Conducted an in-house costing survey (page 53)

Developed an activity based costing model (page 53)

Improved the financial and operational reports used by the Executive and Board (page 62)

Trained staff to use the new grants management system and procedures (page 34)

Financial management

Our net financial result was a deficit of \$2.6 million, which arose mainly from higher than budgeted expenditure grants of aid to private lawyers.

During the year, we were successful in securing significant amounts of additional funding from the State and Commonwealth Governments, which will assist us to respond to demand in future years, and allow us to expand information, advice and minor assistance services across the State.

Financial summary

	2009-2010 (\$M)	2008-2009 (\$M)	Change (%)
Operating revenue	215.1	209.0	2.9
Operating expenses	217.2	215.9	0.6
Total assets	98.9	105.7	(6.4)
Total liabilities	62.9	62.2	1.1
Surplus/(deficit)	(2.6)	(6.6)	60.6
Net equity	36.0	43.5	(17.2)

Our services at a glance

These two pages are a snapshot of our client services.

Details about our achievements in client service delivery are summarised in the Corporate Plan (pages 10 – 11) and expanded upon in Section 1.

Here, we provide statistics for 2009-2010. Tables showing a three-year comparison are available in the Appendices.

Information

Provided 497,872 information services, an increase of 4.7% 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.

Information is also available through 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.

Legal advice and minor assistance

Provided 93,666 advice and minor assistance services, an increase of 5.5% on last year.

Legal advice is available free to all our clients.

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. We refer to this as minor assistance.

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

Legal representation

Provided representation in 41,436 matters (13,788 in-house and 27,648 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 in the Appendices.

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 representation. Most people granted legal aid are required to pay a contribution towards the costs of their legal representation.

Duty lawyer services

Provided a total of 168,382 duty services (103,099 of these were in-house and 65,283 were by private lawyers).

Legal Aid NSW provides lawyers in various courts and tribunals throughout NSW.

Duty lawyers 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 lawyer can seek an adjournment for further advice, to arrange a grant of aid or to allow time for further preparation.

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

The duty lawyer service is free of charge.



During Law Week (17-22 May 2010) our lawyers took part in activities around NSW. Here, Eva Karagiannis and Paul Johnson give free advice in Martin Place, Sydney.

Legal Aid NSW also provides duty lawyer 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 lawyer 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 duty lawyer 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 lawyer services for people with a mental illness, under the *Mental Health Act 2007*. Our Mental Health Advocacy Service provides duty services before the Mental Health Review Tribunal.

Publications and community legal education

Distributed almost 100,000 more publications than last year and increased our community legal education sessions by 33.4%.

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 in the Appendices.

A new catalogue of our extensive publications now makes it more convenient for organisations placing orders to keep track of new resources. It can be viewed on the Legal Aid NSW website www.legalaid.nsw.gov.au (see Publications in Appendices).

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

Youth hotline

Answered over 22,000 calls to the hotline, advising over 10,800 young people about their legal rights, a 9.3% increase on last year.

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 (see page 24).

Family dispute resolution

Held 2,574 conferences, reaching full or partial settlement in 80.8%.

We provide family dispute resolution (FDR) conferences in family law matters to facilitate the resolution of disputes at an early stage (pages 22 and 146). Parties are given the opportunity to negotiate a settlement which suits them, without the need to go to court. If a settlement is reached, a parenting plan is signed or 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, 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.

This year we conducted a record 600 late litigation mediations.

In 2009–2010, this area of work was boosted by the announcement that Legal Aid NSW will trial mediation in care and protection (see page 22).

Specialist services

Took part in reforms that result in more clients being eligible to take part in the Drug Court Program, where they would have previously been excluded.

Prisoners Legal Service provided prisoners with better access to telephone advice.

Our specialist services are staffed by experts in their field. Services include the:

- 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
- Homeless Legal Outreach Program
- Mental Health Advocacy Service
- Older Persons' Legal and Education Program
- Prisoners Legal Service
- Veterans Advocacy Service
- Youth Drug and Alcohol Court Service

Super Cuz, the Aboriginal super hero played by Kirk Page, flew in to Redfern and Taree to launch our educational radio plays and workshops for young Aboriginal people. Topics include fines and domestic violence.



Measuring performance

Legal Aid NSW maintained a sound performance effort in 2009-2010.

Legal Aid NSW increased its provision of information services, advice and minor assistance and the number of publications distributed between 2008-2009 and 2009-2010, both in absolute numbers and in proportion to the NSW population.

Satisfactory results continued to be achieved in an overwhelming majority of in-house file reviews. Client satisfaction surveys are biennial, with the next scheduled for 2010–2011.

PERFORMANCE AREA	KEY PERFORMANCE INDICATORS		
	RESULT 07-08	RESULT 08-09	RESULT 09-10
Community awareness of legal rights and responsibilities			
Client satisfaction rating	N/A (survey not conducted during 2007-08)	86.5%*	N/A (survey not conducted during 2009-10)
Average waiting time for advice appointments	1 week	0.93 weeks	1.12 weeks
Number of information services provided	361,736	475,667	497,872
Rate per 100,000 of NSW population accessing information services	5,177	6,739	6,991
Number of advice and minor assistance services provided	82,469	88,763	93,666
Rate per 100,000 of NSW population accessing advice & minor assistance services	1,180	1,258	1,315
Number of publications distributed	382,405	548,203	634,496
Rate per 100,000 of people accessing publications	5,472	7,767	8,910
Accessibility of legal aid			
Means test income limit as a % of national minimum weekly wage	60.9%	58.5%	58.5%
Percentage of Local Court sittings serviced by duty lawyer schemes	100%	100%	100%
Representation service standards			
Percentage of satisfactory comprehensive in-house file reviews	96%	96%	97.4%
Number of Legal Aid NSW lawyers with specialist accreditation	69	66	65
Number of Legal Aid NSW lawyer attendances at training sessions	2,060	1,813	2,648
Number of private lawyer attendances at Legal Aid NSW training sessions	960	1,316	1,560

*Survey based on civil law clients only.

Service delivery targets

In 2009-2010 we have reported performance against service delivery targets established for the first time in 2008-2009.

Measure (total number)	2008-2009	2009-2010 target	2009-2010 performance	2010-2011 target
Legal advice services	80,953	81,000	84,884	90,000
Information services	475,667	480,000	497,872	530,000
In-house and assigned duty services	167,193	167,000	168,382	170,000
Conferences – family dispute resolution	2,294	2,350	2,574	2,600
Community legal education sessions	1,068	930	1,425	1,500
Outreach advice services	N/A	6,900	10,375	11,000
Locations with regular outreach ¹	N/A	102	98	107
Locations with regular outreach for Aboriginal communities	N/A	14	11	14

¹Where in-house practice areas conduct outreach in the same location, the location is only counted once. Outreach locations of the Regional Outreach Clinic Program are also included.

Fact file

Finance

Our total income was \$215.1 million and we spent \$217.2 million.

Of our total expenditure, 47.5% was spent in criminal law, 30.4% in family law, 10.6% in civil law and 11.5% in community programs. See the financial summary on page 67 for details about where our funds come from and how we spend them. Details about our community program funding can be found in the Appendices.

People

We employed 909 staff (827.80 FTE) as at 30 June 2010, 403 in regional offices and the balance in the Central Sydney office. Of that total, 435 were lawyers and 474 were employed in non-legal roles. Sixty five lawyers had specialist accreditation (NSW Law Society qualifications for expertise in their field).

Divisions

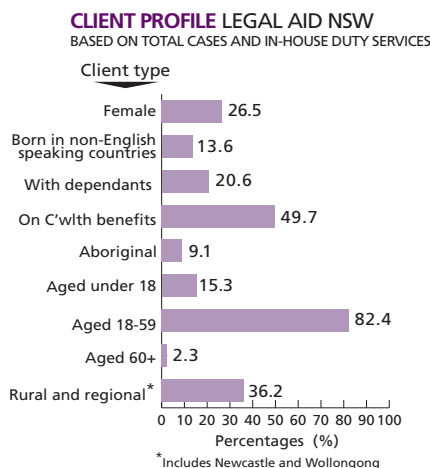
Our organisation has four divisions: Legal Services; Strategic Planning and Policy; Grants; and Business and Client Services. Our organisation chart appears on page 60.

Within Legal Services there are three legal practice areas – civil law, family law and criminal law (pages 20-26). Each legal practice area has a number of specialist services (page 7).

We provided 801,356 client services.

Clients

Our client profile has remained relatively stable over the past five years. There has been an increase in the proportion of total case and in-house duty services provided to Aboriginal people. The increase in the proportion of these services to Aboriginal people is greater in some of the in-house practices (pages 20, 22 and 24), reflecting an emphasis by Legal Aid NSW on meeting the needs of this disadvantaged group.



Performance

The operations of Legal Aid NSW are guided by a number of plans, including our Corporate 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 10–11 for our Corporate Plan and summary of future goals, and page 8 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 a senior executive team of seven directors. See page 61.

The term of the previous Board expired in October 2009, and a new Board was appointed from November 2009. See pages 58 and 59 for their profiles and achievements.

Private lawyers

In 2009–2010, 44.3% of our case and duty services were provided by private lawyers. See Assigned Grants and Duty Services on page 146.

Key legislation

Our organisation was established under the *Legal Aid Commission Act 1979*.

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

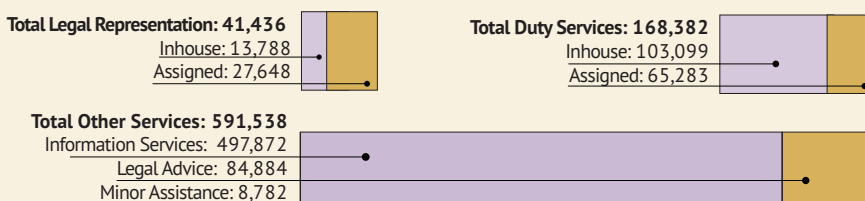
A full list of these committees appears in the Appendices.

The health and safety of people in our workplace is conducted in accordance with s18 of the *Occupational Health and Safety Act 2000*.

Our lawyers are bound by the *Legal Profession Act 2004*.

Our financial statements are prepared in accordance with the provisions of the *Public Finance and Audit Act 1983*.

TOTAL CLIENT SERVICES IN 2009–2010: 801,356



Corporate priorities ↓

Corporate actions ↓

1 Social inclusion →

Prioritisation of services for those at greatest risk of social exclusion

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

Expand and improve services for Aboriginal communities, people in domestic violence situations and people experiencing financial stress

Improve relationships with non-legal service providers working with disadvantaged communities

2 Access to justice →

Early access to legal assistance through information, community education and reforms to the legal system

Make better use of the web, to improve access to information on legal issues and services

Develop and implement community legal education programs for emerging migrant and refugee communities

Expand and improve outreach services in Aboriginal communities

Contribute to reforms to the legal system, particularly in relation to dispute resolution, trial efficiency and diversion from the criminal justice system

3 Integrated services →

Improved responses to the diverse needs of clients

Introduce new cross-divisional service delivery initiatives

Provide more opportunities for staff to train and work across traditional program boundaries

Improve communication and collaboration with private practitioners, the Aboriginal Legal Service and community legal centres

4 Organisational flexibility →

Better understanding of, and responsiveness to, changing legal needs

Develop an integrated suite of demand, cost and efficiency indicators

Improve the ability of staff to interpret and apply data, through better communication, systems and training

What we achieved ↓

- Commenced work on a Legal Aid NSW-wide social inclusion plan and service directory (see page 14).
- Established the Mortgage Hardship Program (see page 20).
- Increased service usage by Aboriginal clients, across all practice areas (see page 15).
- Expanded domestic violence services to 43 more courts and developed new resources for women experiencing domestic violence (see page 37).
- Established seven new homeless advice clinics in the Hunter and Riverina regions (see page 17).
- Increased community legal education programs for Aboriginal communities (see page 27).
- Held Fines Days in regional areas and trained community organisations to provide advocacy on fines (see page 20).

- Launched a suite of resources based on the principle of best interests of the child (see page 22).
- Used legal theatre in bilingual education sessions (see page 18).
- Developed a pilot to employ three Aboriginal field officers to focus on family and civil law services (see page 15).
- Delivered monthly outreach services to remote regional areas with high Aboriginal populations (see page 40).
- Influenced reforms on the introduction of alternative dispute resolution to the care and protection jurisdiction (see page 28).
- Made preparations for introducing new barrister panels for complex criminal trials and appellate work (see page 34).
- Made 38 law reform submissions and improved systems for identifying key law reform issues and contributing to law reform (see page 28).

- Commenced a pilot care and protection/Children's Legal Service "continuity of representation" project at Campbelltown (see page 18).
- Implemented a new specialist domestic violence practitioner panel (see page 33).
- Developed a pilot that provides a better service to people charged with Centrelink fraud (see page 18).
- Assessed 27% (target: 25%) of records collection at offsite storage (see page 53).
- Developed draft rotational policy for lawyers and training modules for legal support officers (see page 50).
- Collaborated with community legal centres to provide legal services to Family Relationship Centres, as part of a new early intervention strategy that will help to keep people out of court (see page 19).

- Finalised the in-house costing methodology (see page 53).
- Developed an activity based costing model (see page 53).
- Upgraded the Legal Aid NSW Information Technology disaster recovery site (see page 55).
- Trained 129 staff so they can confidently use the new grants management system (see page 34).

Year ahead ↓

- Analyse results from survey of legal aid applicants to produce social exclusion indicators that can be used in eligibility policies.
- Provide a new program of domestic violence training to staff and private lawyers.
- Evaluate the Mortgage Hardship Program.
- Expand the family law outreach program and outreach services for older people and homeless people.
- Establish an Early Intervention Unit in family law to ensure prioritisation of services for those at greatest risk of social exclusion.

- Launch a new Legal Aid NSW internet site.
- Develop short films on family law topics for families in conflict.
- Expand community legal education, including in regional areas, for community workers working with socially excluded people.
- Support the expansion of the Drug Court to the Hunter.
- Expand outreach advice services to areas with significant Aboriginal populations.
- Implement two specialist barristers' panels to undertake complex criminal law matters and criminal appellate matters.

- Assist and support staff to work and train across in-house legal practice areas and programs.
- Enhance training and development opportunities for private practitioners who undertake legal aid work.
- Partner with community legal centres to ensure that effective legal services are made available to clients of Family Relationship Centres across NSW.
- Provide an Employee Assistance Program for staff of community legal centres.

- Develop a better understanding of the external drivers that impact on our services, and assist staff to develop their skills in analysing data.
- Meet our obligations in the National Partnership Agreement through the development of comprehensive data reporting.

Working within the justice system

Legal Aid NSW is a major stakeholder in providing services that promote social justice and reduce disadvantage.

Our role in the justice system is shown in the diagram below. It illustrates the importance of strong partnerships with other agencies in providing legal services and shaping policy to directly benefit our clients.

2009 – 2010: how our corporate plan actions improved access to justice for clients

1. Our mandate

Legal Aid Commission Act 1979
Board of Legal Aid NSW
Mission and Vision
Corporate Plan 2009-2011

2. Identify legal service needs

Data and research
Consultation with clients and stakeholders
Operational statistics

3. Inter-agency networks

Australian Legal Assistance Forum
Justice Executive
National Legal Aid
NSW Legal Assistance Forum
NSW Legal Information and Referral Forum

1

2

PRIORITY 1: SOCIAL INCLUSION

Improving services for people experiencing financial stress

Mortgage Hardship Program
After identifying the high level of need, Legal Aid NSW and the Consumer Credit Legal Centre set up the Mortgage Hardship Service, funded by the Public Purpose Fund (see page 20).

PRIORITY 2: ACCESS TO JUSTICE

Contributing to reforms to the legal system, particularly in relation to trial efficiency

Barrister panels
The Trial Efficiency Working Group made recommendations to address inefficiencies in criminal trials. This will lead to enhancements to the broader justice system (see page 34).

4. Partnerships

Aboriginal legal Service (NSW/ACT) Ltd
Community legal Centres
Cooperative legal Service Delivery Program
LawAccess NSW
Private legal profession
Women's Domestic Violence Court Advocacy Services

5. Service delivery

Legal advice and information
Community legal education
Duty solicitor services
Representation and casework
Dispute resolution
Specialist services
Community funded programs

6. Continuous improvement

Client surveys
Conferences
Service reviews and evaluation
Law and policy reform

3

4

PRIORITY 3: INTEGRATED SERVICES

Closer collaboration with community legal centres, as part of an early intervention strategy that will help keep people out of court

Early Intervention Strategy
The Commonwealth Attorney General funded new partnerships to provide legal services at Family Relationship Centres. Legal Aid NSW collaborated with Community Legal Centres to provide services in FRCs (see page 19).

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

Improving the ability of staff to interpret data, through better communication, systems and training

New systems
An evaluation showed that staff needed more training to use the new grants management system confidently. Training sessions were held during the year (see page 34), equipping staff to provide an effective service to lawyers and clients.

Client services

New service responses to groups at high risk of social exclusion

SECTION

1



At the Parramatta launch of our DVD for people with mortgage problems are L to R: Monique Hitter (Director, Civil Law), Chris Bowen (Federal Minister for Financial Services, Superannuation and Corporate Law) and Alan Kirkland (CEO, Legal Aid NSW). See page 20.

Major achievements

Began developing a Legal Aid NSW-wide social inclusion plan (page 14)

Commenced a pilot to employ Aboriginal field officers (see page 15)

Opened seven new homeless clinics (see page 17)

Piloted an early intervention unit (see page 19)

Established a Mortgage Hardship Program (see page 20)

Conducted 2,574 mediations in family law (see page 22)

Increased community legal education sessions by 33.4% (see page 27)

Made 37 law reform submissions (see page 28)

In this section

Our clients – today and tomorrow	14
Priority client groups	15
Integrated services	18
Legal practice highlights in civil, family and criminal law	20
Community legal education	27
Law reform	28
Client diversity	29
Private lawyers	30

Our clients – today and into the future

A survey showed us what we should be doing better to meet our clients' needs whilst also laying the foundation for future policy-making.

Legal Aid NSW worked on pioneering research in partnership with Professor Peter Saunders from the Social Policy Research Centre at the University of NSW to develop indicators of social exclusion. Many issues which commonly face our clients such as family breakdown, credit and housing issues, isolation, discrimination and exclusion from services have a legal dimension that if not resolved, will lead to social exclusion. The work we are doing will assist us in identifying how to best assist people who are often unable to enforce their legal rights effectively. Improving access to legal assistance will promote and maintain social inclusion.

The new Corporate Plan for 2009-2011 places social inclusion at the core of our work and emphasises a team strategy as the best way to address this enormous challenge.

Key social inclusion projects

Practical steps in the short term

Legal Aid NSW is taking steps to make it easier for clients to apply for aid. This found new impetus with the scoping of a recommendation from the review of our Central Sydney Civil Law Ground Floor Advice Service. The review raised the feasibility of establishing a registry service at Central Sydney where staff would provide practical assistance and information about the law to clients applying for aid. The Grants Division has begun to analyse data on approval and refusal rates for legal aid applications lodged in person.

The Grants Assist pilot is proposed for our Central Sydney office in 2011.

The review of our Central Sydney Civil Law Ground Floor Advice Service also made recommendations for improving the accuracy and consistency of information and referral provided to clients as clients who are not referred correctly are in danger of entering a “referral roundabout” and dropping out of the system. We employed an independent expert to develop effective protocols that will assist staff with providing information and contacting other agencies on behalf of a client.

Our new Corporate Plan targets communities at greatest risk of social exclusion – especially Aboriginal communities, people in domestic violence situations and people experiencing financial stress. Legal Aid NSW expanded and improved services for Aboriginal communities through more outreach programs, providing information and advice on victims compensation, credit and debt, tenancy and wills.

People experiencing domestic violence received more help at court and new information resources. A Mortgage Hardship Program, new outreach services for homeless people and fines workshops addressed financial stress. Meanwhile, education workshops in gaols helped prisoners with rehabilitation. In the area of mental health, we concentrated on improving the skills of staff who work with clients with mental health issues, drug and alcohol problems, and those with disabilities.

Planning for the long-term

As part of our social inclusion research we commenced a survey of legal aid applicants. This process will produce indicators which can be used to determine whether an applicant for legal aid is at risk of, or is socially excluded and the extent of that exclusion. This will help us to develop policies that can more effectively target those people at risk of social exclusion.

Year ahead

Pilot a Grants Assist service in Central Sydney, providing people with information about the law and greater assistance in applying for aid.

Improve service delivery response times to clients through training with LawAccess NSW, one of our key partners.

Introduce referrals protocols and train staff in effective information and referral that assists clients to avoid the “referrals roundabout”.

Build a social exclusion profile of legal aid applicants so we can incorporate principles of social inclusion into our core policies.

Develop new service delivery responses to groups at high risk of social exclusion.

Key challenge

To translate the concept of social inclusion into one that has practical meaning for Legal Aid NSW as a legal service provider, and to redefine our services according to social inclusion principles.

Priority client groups

Legal Aid NSW has identified four priority client groups and addressed their particular needs through specialist programs and outreach services.

Aboriginal people

Improving legal services to Aboriginal clients is a key responsibility for every staff member of Legal Aid NSW. These responsibilities are guided by the Aboriginal Services Unit, working in alignment with three Corporate Plan priorities – social inclusion, access to justice and integrated services. Initiatives also respond to recommendations from the report on *The Civil and Family Law Needs of Aboriginal People*, delivered last year.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

Following a huge effort by civil lawyers last year to register over 1,100 claims with the Aboriginal Trust Fund Repayment Scheme, this year we provided further assistance to hundreds of clients in processing these claims. This has resulted in payments to a number of individual clients.

PRIORITY 2: ACCESS TO JUSTICE

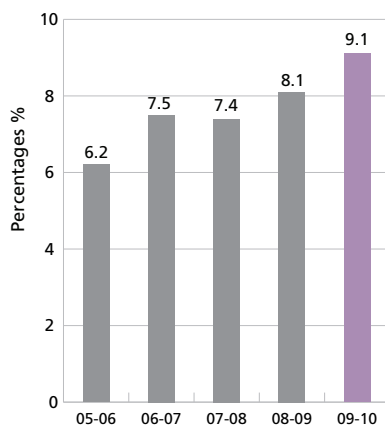
We expanded our outreach program, conducting targeted legal advice for Aboriginal communities in 11 locations outside a Legal Aid NSW office.

Family lawyers in Penrith expanded the number of outreach locations offered to Aboriginal clients, visiting Aboriginal community centres at Mt Druitt, Blackett and Doonside.

Workshops for Aboriginal communities included:

- *Learn about the law* – training for 69 Aboriginal workers in Dubbo, Broken Hill, Nowra and Wyong;

PERCENTAGE OF TOTAL CASE AND IN-HOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS 5 YEAR TREND



- community forums on fines in Redfern, Mt Druitt, Broken Hill, Wilcannia, Menindee, Wallaga Lake and Moruya; and
- Super Cuz radio plays for young Aboriginal people on Ngarralinyi Radio in Taree.

In partnership with the Aboriginal Legal Service, Legal Aid NSW identified three locations for a two-year pilot to employ Aboriginal Field Officers to help link Aboriginal communities to civil and family law services.

Year ahead

Employ Aboriginal Field Officers at Campbelltown, Coffs Harbour and Walgett.

Key challenge

Maintain the momentum that has been built over the last two years in regard to Aboriginal initiatives within Legal Aid NSW. These include both increasing access to Legal Aid NSW services for the Aboriginal community and increasing the number of Aboriginal people working at Legal Aid.

Older people

The Older Persons' Legal and Education Program was established in April 2008 and is delivered through a partnership between Legal Aid NSW and The Aged-care Rights Service (TARS) – a specialist community legal centre. It aims to improve access to legal advice, minor assistance and casework for older people through direct service delivery, and by building the capacity of public legal services to respond to the needs of older people.

This program is a leading example of how integrated services can provide better services for clients, particularly early access to legal assistance through information and community legal education.

Major achievements

PRIORITIES 2 & 3: ACCESS TO JUSTICE AND INTEGRATED SERVICES

A new cross-sectoral initiative, Legal Pathways for Older People, provided an outreach service to enable older people to access free or reduced cost legal services, including wills, enduring powers of attorney and enduring guardian appointments. This partnership is between the Older Persons' Legal and Education Program, Council on the Ageing NSW and the Law Society of NSW. Since May 2010, 287 older people have received legal assistance through the project.

This project complements the Planning Ahead Project, which assists older people experiencing isolation, ill health, frailty and mobility issues to access legal services. This project involves the Law Society of NSW and 'host services' such as The Benevolent Society and Central Coast Case Management Services.

Funding from the NSW Community Options Projects Inc. allowed



Lee Critchley and Lauren Finestone from Legal Aid NSW (at left) and Melissa Chaperlin from The Aged-care Rights Service (second from right) at the launch of Legal Pathways for Older People during Seniors Week.

private lawyers to assist older people with drafting wills, enduring powers of attorney and appointments of enduring guardianship, at significantly reduced rates. Legal Aid NSW lawyers provided free legal advice and assistance in other areas of law such as debt, housing and social security.

This year, the Planning Ahead Project was expanded to Wagga Wagga, Temora and Dubbo.

The Program also conducted 46 community legal information sessions on substitute decision making, end-of-life planning, protecting assets and other legal issues to 1,725 older people and community workers in NSW, including to older people from Chinese, Italian, Korean, Lebanese, Macedonian, and Greek backgrounds.

Older people's issues also featured highly at a number of in-house seminars and conferences for staff and legal service partners.

Year ahead

Investigate new ways to work with non-legal service providers so that disadvantaged older people have better access to legal services.

Key challenge

Develop innovative partnerships with key support services for older people, to increase access to legal services for disadvantaged older people.

People with a mental illness

The Mental Health Advocacy Service (MHAS), based in Burwood, provides duty representation before magistrates and the Mental Health Review Tribunal (MHRT) in 20 psychiatric units in metropolitan and central Sydney, for people who are detained under the *Mental Health Act 2007*.

It also coordinates assigned duty representation before the MHRT in 19 regional psychiatric units throughout NSW, represents forensic patients, acts in proceedings before the Guardianship Tribunal and provides representation for inquiries associated with the *Drug and Alcohol Treatment Act 2007*.

Major achievements

PRIORITIES 1 & 2: SOCIAL INCLUSION AND ACCESS TO JUSTICE

Over 10,000 duty services were provided through the MHAS, with around 43% of these provided by the in-house practice and the balance assigned to private lawyers.

The MHAS also continued its casework for clients who are either in mental health facilities, gaols or released into the community.

On 21 June 2010, the MHRT assumed responsibility for the conduct of mental health inquiries. Inquiries will also now be conducted by audio-visual link except at Cumberland and Concord Hospitals. Before 21 June, inquiries were held in the presence of a magistrate, and within three to 10 days of admission.

In response to these changes, Legal Aid NSW produced an information brochure explaining the new process and patients' appeal rights. Legal Aid NSW attends each hospital on a weekly basis to conduct advice clinics to ensure patients are aware of the changes to the conduct of inquiries and their rights under the *Mental Health Act 2007*.

The Legal Aid NSW Board approved an amendment to the civil law policy whereby a person who is appealing under s44 of the *Mental Health Act 2007* and who has not appeared before the MHRT for a mental health inquiry will not be required to satisfy the Legal Aid NSW means or merit test.

In line with our social inclusion strategy, more non-legal advocacy partnerships were fostered this year. Partnerships between Legal Aid NSW, medical teams and accommodation support agencies, provided clients with greater support in making the transition from mental health and correctional facilities into the community.

An expanded community legal education program saw education sessions delivered to over 30 government and non-government mental health service organisations. Improving the understanding of mental health law with workers in this sector is an integral part of the MHAS's role to improve access to justice for this client group.

Demystifying Mental Illness training skilled our staff to work with clients with mental illnesses. The course was run four times this year, making a total of 45 times since it was introduced in 2003.

Year ahead

Consult with the MHRT and monitor the impact of administrative changes on patients held involuntarily at mental health facilities.

Key challenge

Ensuring patients who are detained involuntarily in psychiatric facilities are aware of their rights under the new system, and continue to have access to appropriate legal representation. We will do this by monitoring outcomes and providing education to mental health professionals.

Homeless people

As homeless people are at very high risk of being socially excluded, they are a key part of our social inclusion program.

Integrated services with key partners were the best way of meeting the needs of these particularly disadvantaged and marginalised clients.

Major achievements

PRIORITIES 1 & 3: SOCIAL INCLUSION AND INTEGRATED SERVICES

Funding from the NSW Homelessness Action Plan allowed us to open new outreach clinics in Broadmeadow, Cessnock, Newcastle, Tumut, Wagga Wagga, Albury and Griffith.

We launched a new homeless outreach legal clinic for young people, basing it at the High Street Youth Health Service in Harris Park. This integrated service model works well with young people because it provides access to several services in one place. Legal Aid lawyers were able to address complex legal needs by working closely with case workers who had already gained the trust of young people visiting the centre.

We provided legal advice as part of the Homeless Persons Legal Service at Parramatta Mission, in addition to the homeless legal outreach clinics we operate at other regional locations.

Our Newcastle staff took part in the inaugural Homelessness Connect Day in Newcastle on 26 November 2009, which was attended by more than 1,000 people and part of National Social Inclusion Week. We provided free services and information to people living on the streets, and those at risk of losing their homes.

Year ahead

Consolidate new outreach clinics in the Riverina and Hunter regions.

Reduce homelessness by assisting people to resolve issues that place them at risk of becoming homeless.

Key challenge

Due to their situation, it is difficult to gain easy and regular access to homeless people. We will address this by developing effective working partnerships with key support agencies working with homeless people, particularly through projects that are part of the NSW Homelessness Action Plan.



Young people at the High Street Youth Health Service get acquainted with staff from Legal Aid NSW.

Integrated services

Legal Aid NSW has three legal practice areas – civil law, family law and criminal law and funds two major community programs. This year marked a fresh approach to their work – working across traditional boundaries to achieve better outcomes for clients.

Legal Aid NSW introduced new cross-divisional service delivery initiatives with a greater focus on working across legal practice areas and programs. We believe that an integrated service delivery model is the most effective way to achieve better results for our clients.

The new Corporate Plan priorities of social inclusion and access to justice increased the number of actions that required collaboration across divisions.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

Domestic violence

A package on family law issues for people in domestic violence situations was developed, including a brochure that addresses myths about eligibility for legal aid. *Are you experiencing domestic violence?* was launched at a number of Law Week activities (16 – 24 May) attended by over 600 people.

Domestic violence policy and guidelines were developed and plans put in place to train all our staff with client contact in domestic violence awareness.

Family lawyers used legal theatre to educate Arabic, Chinese and Vietnamese communities about the law.

PRIORITY 3: INTEGRATED SERVICES

Social security fraud

Accused persons facing prosecution for social security fraud are sometimes not aware of their rights to an administrative review, which might ultimately lead to a



Actors Corina Jones and Daniel Sassen from the Sydney Talent Company use legal theatre to play out a domestic violence scenario.

Photo Ernest Fratzak

reduction or withdrawal of the prosecution.

Current rates of these prosecutions (and pleas of guilty) are far higher than in other areas of law. Research also indicates that there are multiple social and economic factors underpinning social security fraud, in combination with a predominantly rigid and complex system of social security.

In September 2009, the civil and criminal law practices began working together to identify cases where administrative options might be pursued to reduce charges or have them withdrawn, and to inform criminal lawyers of available defences or issues that may usefully be addressed on sentence.

Civil lawyers provided initial advice to accused persons about any grounds for seeking a withdrawal of the prosecution or for administrative review. Piloted in Wollongong, the project has achieved excellent outcomes for clients and will be reviewed next year.

PRIORITY 3: INTEGRATED SERVICES

Young people

The Campbelltown office trialed a new approach providing child clients with continuity of representation across jurisdictions. Young people with both crime and care matters at Campbelltown Children's Court were represented by the same lawyer, rather than different lawyers from the criminal and family law practices. The approach proved very successful; young people said it made going to court much less confusing. Running care and criminal matters for young people simultaneously decreased the number of court appearances and the length of time matters were before the court. Matters were finalised more quickly and efficiently, giving our young clients greater certainty in both their criminal sentences and their care arrangements.

PRIORITY 3: INTEGRATED SERVICES

Early intervention keeps people out of court

In December 2009 the Commonwealth Attorney General announced funding to establish partnerships that would provide legal services in Family Relationship Centres (FRCs). Legal Aid NSW was funded to coordinate the pilot and to provide direct services in three centres – Northern Beaches, Coffs Harbour and Wagga Wagga. Three family lawyers were employed to work in these centres, where they are now assisting families to resolve disputes without going to court. The Early Intervention Unit in family law will enhance the capacity of Legal Aid NSW to provide early access to services in family law across NSW in a coordinated way and to ensure that clients receive ‘joined up’ services.

In December 2009, representatives from Legal Aid NSW, Family Relationship Centres and Community Legal Centres formed a steering committee to oversee the pilot.

As part of its leadership role, Legal Aid NSW provided early intervention training for its partners and in-house lawyers in three metropolitan and two regional centres.

These services are seeing people at the earliest point before their family law matters escalate – a new and exciting role for lawyers.

Year ahead

Explore more cross-divisional initiatives that will deliver positive outcomes for clients.

Train client contact staff in domestic violence awareness.

Expand the Early Intervention Unit.



The Steering Committee for the new partnership between Legal Aid NSW, Family Relationship Centres and Community Legal Centres held its first forum in March 2010.

Key challenge

Our early intervention lawyers will be delivering legal services in a non-traditional way. Some will be located away from Legal Aid offices and extensive travel will be required.

The Early Intervention Unit will also present challenges for organisational flexibility – a complex roster of services will need to be managed and high level supervision and support will be required for the lawyers within the unit.

PRIORITY 3: INTEGRATED SERVICES

Legal advice for sacked workers

Legal Aid NSW was part of the Critical Response Team for the closure of Bunnerong Meatworks in Young, when over 300 workers lost their jobs. Our lawyers provided advice and assistance on hardship variations for mortgages, debt, eviction notices, as well as preparation for the Creditors Meeting.



Lawyer Julie Maron (centre) and Team Leader of the One Stop Shop, Jane Beaumont pictured with an ex-employee at the community sausage sizzle organised by Legal Aid NSW. Photo courtesy Young Witness.

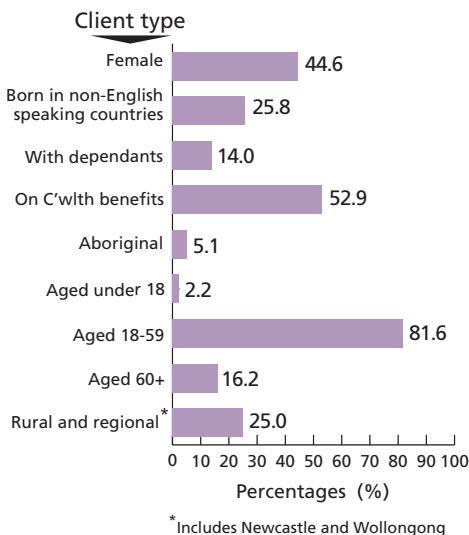
Highlights in civil law

The civil law program provides legal advice, minor assistance, duty and casework services to people through a practice in Central Sydney and 13 smaller practices in regional offices. It has unique expertise in delivering cost-effective services to disadvantaged communities in a broad range of general law.

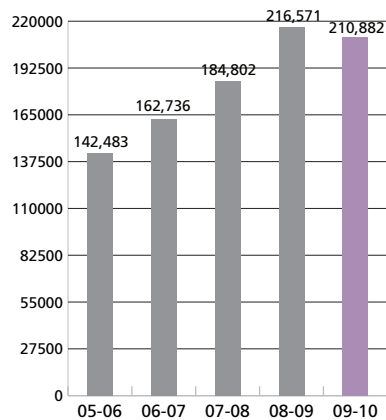
The continued growth in civil law specialist programs has enabled the practice to better assist disadvantaged communities through targeted advice, outreach and minor assistance services in a diverse range of areas of law. It has also enabled staff to contribute to law reform and policy development in a broader range of areas, as well as undertake strategic litigation to address systemic issues in some cases.

CIVIL LAW CLIENT PROFILE

BASED ON TOTAL CASES AND IN-HOUSE DUTY SERVICES



TOTAL CIVIL LAW CLIENT SERVICES 5 YEAR TREND



Major achievements

PRIORITY 1: SOCIAL INCLUSION

Legal Aid NSW has established, in partnership with the NSW Consumer Credit Legal Centre, a Mortgage Hardship Service, which is funded for two years by the Public Purpose Fund. Two lawyers at the Parramatta and Gosford regional offices provide outreach clinics at Penrith, Raymond Terrace and Niagara Park. The Service also operates a duty scheme at the Supreme Court of NSW.

There has been an overwhelming demand for the advice, minor assistance and casework available through this service.

A *Mortgage Rescue* DVD was launched in Parramatta on 24 August 2009 to accompany the *Mortgage Stress Handbook* (2009), explaining what people can do if they are in danger of losing their homes.

We increased our minor assistance services in civil law by 6.1%.

To date, Legal Aid NSW has distributed nearly 30,000 resources about mortgage stress – 18,000 handbooks, 1,500 DVDs and 10,000 brochures.

“Fine Days” were held in various regions including the Shoalhaven and Far South Coast, Central Coast and Far West NSW, and Sydney metro. These events enable us to assist clients en masse to sort out their fines with the State Debt Recovery Office – especially where unpaid fines have led to licences being suspended.

PRIORITY 2: ACCESS TO JUSTICE

Expanding programs for Aboriginal people in the areas of victims compensation, Stolen Wages and wills was a priority, as was expanding outreach programs (see pages 15, 40) and conducting community legal education (see page 27).

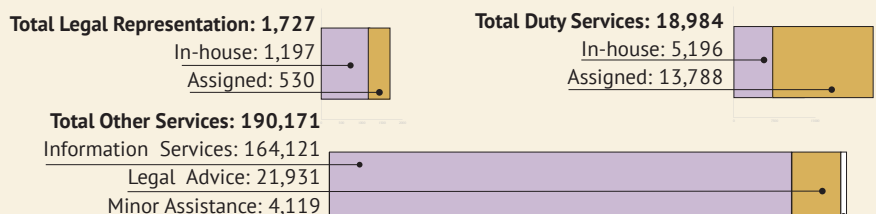
Civil lawyers also addressed the legal needs of other priority client groups – older people, homeless people and people with a mental illness (see pages 15–17).

Prisoners continued to be an important part of the social inclusion program due to their high level of disadvantage. Civil lawyers provided advice clinics in 16 gaols across NSW on a regular basis throughout 2009–2010, providing advice on topics such as debt and fines.

FACT FILE

Total staff:	105
Total expenditure:	\$23.013M
State:	\$17.406M
Commonwealth:	\$5.607M
10.59% of our overall budget was spent on civil law services.	

TOTAL CIVIL LAW CLIENT SERVICES IN 2009–2010: 210,882



Civil law cases

CASE 1 PROCEDURAL FAIRNESS

Our client made a complaint to the Administrative Decisions Tribunal (ADT) about a radio station's breach of discrimination laws. The radio station told the Tribunal it had taken steps to prevent unlawful behaviour in future so as to warrant denying the complainant leave to proceed with his complaint. The complainant was representing himself and failed to understand that the Tribunal might not give him leave to proceed and did not make opposing submissions on that issue. His misunderstanding was apparent to the Tribunal.

Legal Aid NSW lodged an appeal. The Court of Appeal found that the Tribunal had failed to take available steps to relieve our client of his misunderstanding and give him an opportunity to make appropriate submissions. The matter was remitted to the Tribunal to proceed correctly. The Court determined that the Tribunal must take reasonably practical positive steps to ensure that unrepresented litigants understand and are able to engage with the critical issues in their cases. The decision will affect other tribunals and organisations acting under similar legislation.

CASE 2 PROFESSIONAL ETHICS

We represented a disability pensioner who spoke very little English. Following the sudden death of his wife, our client suffered severe anxiety and depression and had no other family or friends in Australia. He sought assistance for Supreme Court proceedings and was in danger of becoming homeless if he lost the case.

Our client was unable to make rational decisions and provide instructions to progress the case

because of his mental state, and there was nobody to manage his affairs.

Legal Aid NSW took ground-breaking action and filed a summons asking the Court to declare our client incapable of managing his affairs and to make an order that a financial manager be appointed to manage the Supreme Court litigation but no other aspect of our client's affairs. The Court made the orders and our client's matter was assigned to a private lawyer, with instructions from the NSW Trustee and Guardian. Our client was able to save his home.

This was a very complex case involving professional and ethical duties of lawyers, and important because many of our clients are ageing or often have serious mental health issues and are socially isolated.

CASE 3 A HALT TO REPOSSESSION

The civil law practice conducted a large litigation project which comprised 146 applications for legal aid in relation to 88 separate loans from a major bank that were misleading, deceptive, unjust and/or unconscionable. Most of our clients were in default and facing repossession proceedings. We lodged a formal complaint to the Australian Securities and Investments Commission (ASIC) on behalf of our clients and have all but settled these matters through loan adjustments, release from liability, and in appropriate cases, compensation payments.

This project is an excellent example of the ability to identify systemic issues through our advice services, achieve good individual outcomes for a large number of clients, and work effectively with a regulator to reduce the risk of exploitation of future consumers.

Responding to changing laws and amendments

New Commonwealth law commenced on 1 July 2010 governing consumer credit contracts (home loans, personal loans, car loans), consumer leases and loans for residential investment property. This is the biggest change to the regulation of credit in Australia since the Uniform Consumer Credit Code was introduced in 1996.

The challenge is to train our lawyers and partners about the changes as quickly as possible. In partnership with the Consumer Credit Legal Centre, we developed the *Credit Law Toolkit* – a plain English guide to credit law for financial counsellors and lawyers.

Year ahead

Produce new resources about mortgage stress, and evaluate the Mortgage Hardship Program.

Deliver legal services that have a systemic impact on the rights of disadvantaged groups in the areas of consumer protection, human rights, housing and Government law.

Use community education, outreach and advice services that promote early intervention in consumer credit, social security, employment law, fines and emerging legal issues for disadvantaged groups, in alignment with our new Corporate Plan.

Key challenge

Making sure that our clients, especially those most marginalised, are able to access legal assistance for a legal problem before it escalates. We will achieve this by providing more outreach services to areas of NSW where civil law services are not available or are very limited.

Highlights in family law

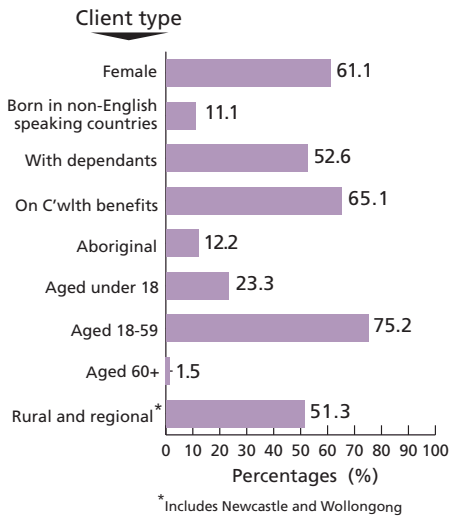
The family law practice provides legal advice, minor assistance, duty services and representation in Commonwealth family law matters, including child support matters, and in state care and protection matters at 20 offices across the State. Legal advice is provided to all members of the public.

Outreach services are provided in 49 locations where there is no Legal Aid office. Law reform and community legal education are also part of the role of the practice.

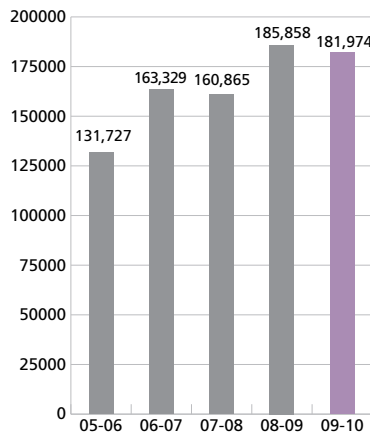
Family dispute resolution services are provided across NSW. Specialist legal services are also offered in child support and by the Early Intervention Unit, which provides legal services in Family Relationships Centres across NSW.

FAMILY LAW CLIENT PROFILE

BASED ON TOTAL CASES AND IN-HOUSE DUTY SERVICES



TOTAL FAMILY LAW CLIENT SERVICES 5 YEAR TREND



We increased our minor assistance family law services by 22.7%.

The Family Dispute Resolution (FDR) Unit held 2,574 conferences (mediations), reaching full or partial settlement in 80.8%. Demand for litigation intervention conferences and property conferences increased significantly. More Aboriginal families received support in conferences, thanks to the skills of recently employed Aboriginal mediators.

A mediation pilot in care and protection matters was announced in June 2010 (see page 28, law reform).

Major achievements

PRIORITY 1: SOCIAL INCLUSION

Family lawyers delivered community legal education sessions on family law and care and protection for Aboriginal people and community workers working with Aboriginal people in a number of locations, including Armidale, Lismore and Penrith.

Case and in-house duty services for Aboriginal people increased by 12.2% in 2009-2010.

PRIORITY 2: ACCESS TO JUSTICE

We published a self-help kit for unrepresented litigants – *My ex-partner isn't following court orders about our children...what can I do?* – in tandem with a training package for lawyers who assist clients in contravention proceedings.

PRIORITY 3: INTEGRATED SERVICES

A Family Violence Specialist Network of 23 family lawyers was formed in January 2010 to improve relationships with local services providing assistance to people experiencing domestic and family violence.

The practice took part in a pilot project in Campbelltown that provides continuity of representation for young people, with wide-ranging benefits (see page 18).

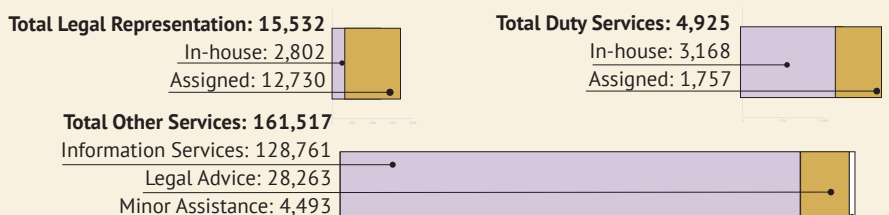


Jenny Liang from the Chinese Australian Services Society, at the launch of our new family law translations at Campsie.

FACT FILE

Total staff:	149
Total expenditure:	\$66.108M
State:	\$20.398M
Commonwealth:	\$45.71M
30.43% of our overall budget was spent on family law services.	

TOTAL FAMILY LAW CLIENT SERVICES IN 2009-2010: 181,974



Advice Advocacy Access

Liverpool and Fairfield family lawyers provided training to community workers about the law and family violence – one of many statewide information and training sessions held during Law Week 2010.



Family lawyers worked with Hunter Community Legal Centre to improve services available to self-represented litigants appearing in the Newcastle Family Courts registry.

An Early Intervention Unit was established to provide early access to services in family law across NSW (see page 19).

Family law cases

CASE 1 IN MOTHER'S CARE

Our Coffs Harbour office acted for a woman who had not seen her two young boys for over a year. Our client had escaped a violent relationship and suffered depression. Her friends cared for the two children during this time. When she recovered her friends refused to return the children to her care.

After difficult negotiations at court, it was agreed that the youngest boy would return to live with his mother and she would spend time with the other son. However the matter returned to court when our client was refused time with her elder son. Those proceedings resulted in the child being returned to the full time care of his mother and being reunited with his brothers.

CASE 2 UNWANTED MARRIAGE

Duty lawyers at Parramatta were asked by the Australian Federal Police (AFP) to obtain an Airport Watch List Order for a

17-year-old who was being sent to Lebanon to be married against her will.

Documents were prepared and filed at the court. The AFP agent gave oral evidence about the arrangements made to secure her safety, following liaison with the Department of Human Services and the Muslim Women's Support Service.

The Federal Magistrate made an Airport Watch List Order. The young woman appeared in court and asked that her passport be held by the Court until after her 18th birthday.

The young woman was grateful for the assistance she received from the AFP and the Court.

Responding to changing laws and amendments

The 'Keep them safe' response to the recommendations from the Special Commission of Inquiry into Child Protection Services in NSW involved the family law practice in meetings and consultations about new court processes in the care and protection jurisdiction, particularly amendments to section 61(2)(b) of the *Children and Young Persons (Care and Protection) Act 1998*, which require a care application to be accompanied by a written report and set of documents supplied by NSW Community Services.

Year ahead

Develop multi-media web-based resources that provide information to young people and adults about divorce and separation.

Expand early intervention legal services, including more outreach advice and duty lawyer services across the State.

Develop a mediator training and accreditation program for lawyers from different cultural and language backgrounds.

Introduce a pilot of court-referred matters for family dispute resolution in Parramatta Family Court registry and Bidura Children's Court.

Key challenge

Ensuring that information and advice about family law is accessible and available to clients, particularly those who are most disadvantaged. We will achieve this by improving our electronic resources so that people with family law problems can obtain useful information on the internet. The challenge will also be met by increasing our range of outreach services targeting areas of high need. Working closely with Family Court registries to improve the breadth of duty lawyer services will help to ensure that those services best meet the needs of unrepresented litigants.

Highlights in criminal law

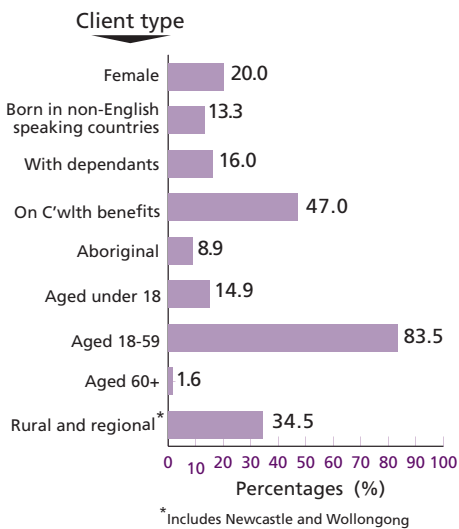
The criminal law practice provides legal information, advice, minor assistance, duty services and representation in criminal courts at each jurisdictional level across the State. These services are provided from the Central Sydney office and 19 regional offices.

Specialist advice, information, minor assistance, duty services and representation are provided through the Children's Legal Service, Prisoners Legal Service and Drug Court.

The practice provides community legal education throughout NSW and contributes to law reform initiatives.

CRIMINAL LAW CLIENT PROFILE

BASED ON TOTAL CASES AND IN-HOUSE DUTY SERVICES



We increased our advice sessions by 13.8%

Major achievements

PRIORITY 1: SOCIAL INCLUSION

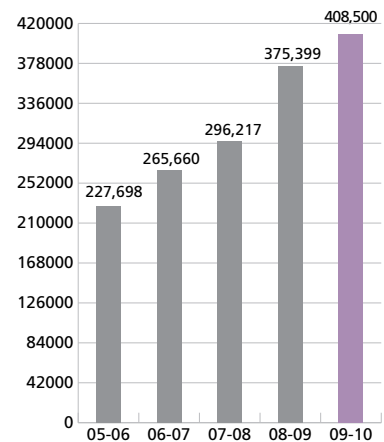
A *Criminal Lawyers Kit* was developed to assist criminal lawyers to build their skills in working with clients with mental health issues and intellectual disabilities.

PRIORITY 2: ACCESS TO JUSTICE

Diverting people from the criminal justice system, a key corporate priority was applied to several areas:

- The hotline for young people answered over 22,000 calls, advising 10,800 young people about their legal rights and alternatives to appearing in court under the *Young Offenders Act 1997*. We also assisted over 140 young people referred to the Youth Drug and Alcohol Court.
- We assisted 243 adult offenders referred to the Adult Drug Court in Parramatta and 77 referred to the Compulsory Drug Treatment Correctional Centre. In total, 57% of participants who received a final sentence did not return to custody. (Source: Department of Justice and Attorney General). We established a funded weekend bail service in Newcastle.
- We provided information sessions to defendants in domestic violence situations appearing at Mt Drutt Local Court. These alternated with

TOTAL CRIMINAL LAW CLIENT SERVICES 5 YEAR TREND



fortnightly sessions on traffic law.

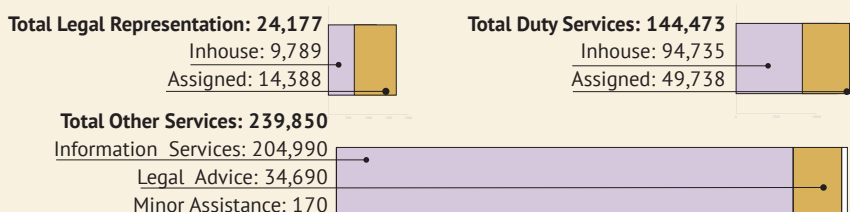
Two new publications will assist unrepresented defendants appearing in the Local Court – *Appealing Local Court decisions* and *Reviewing Local Court decisions*. Our popular brochures *Going to court*, *Police powers*, *Understanding Bail* and *Applying for Supreme Court Bail* were translated into Arabic, Chinese and Vietnamese.

The Indictable Appeals Unit successfully piloted the use of webcams for desktop video conferencing, providing fast access to clients in custody seeking a grant of aid for appeals to the Court of Criminal Appeal. We improved access to telephone advice for prisoners around NSW, resulting in a 7% increase in calls to our Prisoners Legal Service.

FACT FILE

Total staff:	255
Total expenditure:	\$103.19M
State:	\$96.022M
Commonwealth:	\$7.169M
47.50% of our overall budget was spent on criminal law services.	

TOTAL CRIMINAL LAW CLIENT SERVICES IN 2009-2010: 408,500



Criminal law cases

CASE 1 CONDITIONAL LIBERTY

Morrison v R [2009] SNWCCA 211

This case involved the issue of whether a person who was in breach of parole, but still in the community, was on conditional liberty for the purpose of sentencing.

Our client was released from prison on parole in September 2006. His parole was due to expire in March 2008. In January 2008, the State Parole Authority revoked his parole and a warrant issued for his arrest. He remained in the community and committed a break enter and steal offence in April 2008. He was arrested for this offence in May 2008 and the warrant for his arrest for breach of parole was executed at the same time.

In sentencing, the presiding judge referred to the guideline judgment of *R v Ponfield* and noted four aggravating features to be taken into account on sentence. One of them was that the offence was committed while the offender was on conditional liberty in that a warrant was in existence for his arrest for breach of parole. Our client appealed and it was argued on his behalf that an outstanding warrant could not be construed as conditional liberty and therefore could not be regarded as an aggravating factor on sentence. It was held by the court, allowing the appeal, that having a warrant outstanding for breach of parole does not amount to conditional liberty.

This case provides useful guidance in the complex process of sentencing offenders who are also in breach of parole.

CASE 2 DRUG COURT ELIGIBILITY

The eligibility of two clients to take part in the Drug Court Program was being considered under s5 of the *Drug Court Act 1998*. This section states that a person is not eligible to join the Drug Court program if charged with an offence involving violent conduct.

The question was whether the violent conduct was identified through the facts relating to the offence or the elements of the offence under consideration. These two tests are known as the “conduct” test and the “elements” test. Since 2005, the Drug Court had been applying both tests to all referred offences.

The first test is wider and excludes more people from the program. In both cases Legal Aid NSW argued that the “elements” test should be applied. The judge accepted that the “elements” test should be applied generally, and that a “conduct” test may be appropriate in limited situations, such as where the elements of an offence do not clearly indicate whether violent conduct was involved.

This decision gives more clients a chance to take part in the Drug Court Program where they would have previously been excluded. It is also aligned with our corporate priority of social inclusion.

This decision has been appealed by the Office of the Director of Public Prosecutions to the Court of Criminal Appeal and legal aid has been granted for the respondent to the appeal. We await further clarification of the law by a superior court on this important eligibility issue.

CASE 3 MENTAL ILLNESS DEFENCE

‘Jack’, a young Canadian national, was arrested at Sydney Airport and charged with importing a commercial quantity of amphetamine.

Jack suffered from multiple psychiatric conditions including early onset bipolar disorder, schizophrenia, Attention Deficit Hyperactivity Disorder and a form of autism.

Legal Aid NSW argued the defence of mental illness before the District Court. Running the defence was risky but the Commonwealth legislation provided an option for the judge to release a person found not guilty on the basis of mental illness. Legal Aid NSW argued that this was an exceptional case and that Jack should be released by the Court to return to Canada where he had family support and appropriate treatment could be continued.

The jury found Jack not guilty by reason of mental illness. The Hon Greg James QC, President of the Mental Health Review Tribunal, came to the proceedings on an informal basis as a “resource”. Coincidentally, Mr James had assisted the Canadian mental health authorities to draft conditional release plans that reflected the standard provisions imposed by the Mental Health Review Tribunal on persons released conditionally by the Tribunal.

Responding to changing laws and amendments

Amendments to the *Criminal Procedure Act 1986*, which commenced on 1 February 2010, replaced the pre-trial disclosure provisions for complex trials, and introduced three tiers of case management. These are compulsory prosecution and defence disclosure of specified matters in all criminal trials; a system of pre-trial case conferences; and intensive pre-trial case management. Power was given to the courts to make directions concerning the conduct and management of the trial, and to require the parties in all criminal trials to identify the issues for determination in the trial.

As Legal Aid NSW funds more than 50% of the trial work conducted in the District Court and the Supreme Court of NSW, and the highest proportion of criminal law expenditure is in District Court trials, it is in our interest to ensure an efficient system of case management that appropriately minimises the cost of legally aided trials as well as achieving fair outcomes for accused persons. With increasing use of this legislation, Legal Aid NSW will need to consider how to implement case management in the context of existing systems and processes, including the timing of briefing of counsel and payment of criminal fees.

Year ahead

Develop resources for targeted groups at risk of social exclusion.

Participate in the introduction of the Drug Court in the Hunter.

Expand services to clients in custody through teleconferencing and webcams.

Provide an advice and information service and community legal education to prisoners of the South Coast Correctional Centre (to be opened late in 2010).

Launch fortnightly information sessions at Penrith Local Court for defendants in traffic matters, and domestic violence proceedings.

Key challenge

Improving the continuity of legal representation throughout court proceedings whilst maintaining an efficient duty solicitor service. Continuity of representation improves communication and develops a more trusting relationship between lawyer and client, particularly for vulnerable clients.

Staff will be trained to recognise vulnerable clients and build case management tools to identify matters requiring continuity, allowing us to improve services and minimise cost impact.

Holistic services

The social workers in our Client Assessment and Referral Unit work collaboratively with lawyers to ensure the best possible outcomes for clients.

They do this by preparing psychosocial assessments for use in court that address the complex range of social difficulties underlying people's legal problems. This year, divisional plans across the three practice areas promoted a greater use of social workers, especially for clients with complex needs.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

Social workers assisted 327 clients referred to the Unit, mostly referred by the criminal law practice.

They assessed 270 clients, providing 222 psychosocial reports for use in court and making 81 referrals to other agencies. Clients needed assistance with a range of issues, key areas being mental health, intellectual disability, drugs and alcohol, homelessness and parenting.

Funding was secured from the Public Purpose Fund to recruit a social worker to work with clients who are involved with the criminal justice system and who have an intellectual disability or an acquired brain injury.

Year ahead

Recruit a social worker to assist clients with an intellectual disability or acquired brain injury, and the lawyers who represent those clients.

Work with the three legal practices in a number of social inclusion and integrated service delivery projects.

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 structured programs for community sector workers who work with socially and economically disadvantaged people.

In 2009 we developed a CLE Strategic Plan 2009–2011 to guide our CLE work. This plan is based on the Corporate Plan priorities and its actions are linked to other Divisions' strategic plans.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

The social inclusion priority is about prioritising services for those at greatest risk of social exclusion.

Highlights included delivering:

- 82 CLE sessions to Aboriginal people and community workers working with Aboriginal people – a 4% increase on last year;
- *Learn about the Law* workshops for Aboriginal community members and workers in Casino, Broken Hill, Dubbo and Nowra. The workshops covered five topics of particular interest to Aboriginal communities;
- 41 CLE sessions to newly arrived migrants – a 105% increase on last year;
- legal theatre to educate Arabic, Chinese and Vietnamese communities about the law;
- 106 community legal education sessions to people experiencing financial stress – a 68% increase on last year; and
- 110 CLE sessions to people in domestic violence situations – a 244% increase on last year.

We delivered 1,425 community legal education sessions – a 33.4% increase on last year and 195.6% increase over five years.

PRIORITY 2: ACCESS TO JUSTICE

Early access to legal assistance through information and community legal education is an important aspect of this corporate priority. The CLE Strategic Plan 2009–2011 identifies a number of actions to increase targeted preventative services.



In 2010, we introduced a new program of workshops for community sector workers. The *Law for Community Workers Calendar*

was developed in anticipation of increased financial stress and dislocation due to the global financial crisis. The calendar offered 15 workshops on eight topics in metropolitan Sydney.

A total of 283 community workers attended the workshops and evaluated them very positively. The program is now being expanded to regional areas including Newcastle, Wollongong, Gosford, the Riverina, Central West, South Coast, Central Tablelands and North Coast.

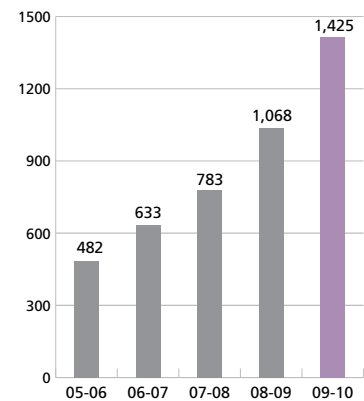


A new catalogue displaying our growing body of publications has made it easier for organisations placing orders to keep track of new resources.

The catalogue will be updated annually and circulated widely.

It can be viewed on the Legal Aid NSW website www.legalaid.nsw.gov.au/pubsonline

TOTAL COMMUNITY LEGAL EDUCATION SESSIONS 5 YEAR TREND



Year ahead

Make better use of the web and increase access to information on legal issues including working with Corrective Services NSW to make this information available to prisoners.

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

Expand workshops for community sector workers into regional areas.

Develop and launch a web-based Community Legal Education Management system that will interface with the Legal Aid NSW web site, providing new functionality such as an online calendar of workshops and enhanced registration processes.

Key challenge

Improving the quality of community legal education services through the development of evaluation tools.

Law reform

Our involvement in law reform is an important part of our efforts to represent disadvantaged people and is an essential adjunct to effective casework.

In 2010 we implemented an internal review of our participation in law reform activities. The aims were to make sure that we are targeting our effort to maximise the benefits for our vulnerable clients and that our internal processes are as efficient as possible.

A range of issues and solutions were identified. Some initial improvements to internal processes have been implemented. In 2009-2010 we made 37 submissions to a variety of law reform bodies on a wide range of issues affecting our clients. See the Appendices for a full list.

Major achievements

PRIORITY 2: ACCESS TO JUSTICE

Significant contributions to law reform by Legal Aid NSW helped to achieve systemic change for our clients this year. In particular, the family law practice contributed to the implementation of the *Report of the Special Commission of Inquiry into Child Protection Services in NSW*. Representatives from the practice participated on committees tasked with the job of preparing for legislative reforms.

The family law practice also prepared submissions on care and protection issues, particularly in relation to the development of new forms and procedures for initiating applications in the Children's Court and trialling different dispute resolution processes.

In June 2010 the Attorney-General announced that Legal Aid NSW would receive funding to assist with the reforms, including the piloting of external alternative dispute resolution for matters

referred from Bidura Children's Court. As a result, in August 2010 Legal Aid NSW will commence its first trial as an external provider of lawyer-assisted dispute resolution services in the care and protection jurisdiction.

The civil law practice contributed to policy discussions and proposed reform in relation to alternative dispute resolution (ADR) at both the Federal and State level.

In particular, the practice prepared submissions in response to the Department of Justice and Attorney General's release of the *ADR Blueprint Discussion Papers*. The *ADR Blueprint* recommended a comprehensive package of proposals aimed to expand and improve the use of ADR across the NSW civil justice system.

Civil lawyers represented National Legal Aid on the Treasury Equity Release Consultation Working Party on credit reform. The Working Group examined the need for specific enhancements to the regulation of reverse mortgages.

Jointly with Queensland Legal Aid, civil lawyers developed a response to the problems posed by a gap in regulation by the *Insurance Contracts Act 1984*, arguing that the law did not adequately protect consumers from unfair terms in insurance contracts. We were able to cite many instances from our own casework to support our case. The outcome of the Senate Economics Legislation Committee Inquiry into the Trade Practices Amendment (Australian Consumer Law) Bill 2009 was bipartisan support for protection for consumers from harsh or unfair terms in insurance contracts.

In partnership with the Consumer Credit Legal Centre, civil lawyers provided policy responses to the raft of reforms that have taken place in consumer credit law over the last year.

The civil law practice made a detailed submission of over 200 recommendations to NSW Fair Trading in response to its public consultation draft of the *Residential Tenancies Bill 2009*. The 2010 Act that resulted makes some significant changes to the law.

The criminal law practice participated in working parties relating to significant reforms being considered in the areas of child pornography, sex offences and forensic procedures.

Legal Aid NSW participated on the Sexual Offences Working Party (SOWP) which conducted a comprehensive review of the legislative framework for sexual offences in NSW.

The SOWP aimed to identify ways in which NSW sexual offences could be rationalised and streamlined in order to become workable as a consistent whole.

Year ahead

Contribute to the next phase of national consumer credit law reform.

Respond to the Regulatory Impact Statement on the draft Residential Tenancies Regulation 2010 and conduct training for lawyers and community sector workers on the new tenancy laws.

Key challenge

Finding a balance between casework and being able to contribute to important law reform issues affecting our clients.

Client diversity

Legal Aid NSW developed two major equity plans in 2009–2010: the Disability Action Plan 2009–2011 and the Multicultural Action Plan 2009–2011.

Both plans have been developed for the same period as the Corporate Plan.

The plans are monitored quarterly, by the Access and Equity Committee, which is chaired by the Legal Aid NSW Chief Executive Officer. Both plans are available on the Legal Aid NSW website and the Disability Action Plan has been registered with the Australian Human Rights Commission.

Disability Action Plan 2009-2011

Legal Aid NSW is a “universal service”, defined under the Guidelines for disability action planning by NSW Government agencies. A universal service is a mainstream service accessed by large numbers of people with a disability. We are required to achieve five main outcomes, specified by Ageing, Disability and Home Care. A comprehensive summary of key performance highlights from the Disability Action Plan appears in the Appendices.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

Training improved disability confidence in client support staff, to support clients with a disability.

We extended the legal advice session times for clients requiring additional time and assistance.

PRIORITY 2: ACCESS TO JUSTICE

We provided information in a range of accessible formats including large print and CDs.

PRIORITY 3: INTEGRATED SERVICES

We collaborated with the Department of Justice and



Lawyers Carolina Soto (far left) and Iresha Siridwardana (front right) with young refugees from Burma, Sudan, Iraq and Afghanistan at a legal workshop in Cabramatta.

Attorney General (DJAG) to develop a DJAG Disability Action Plan.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

We completed a physical accessibility audit of facilities in the Central Sydney office.

Multicultural Action Plan 2009-2011

FACT FILE

13.6% of our case and in-house duty clients are born in non-English speaking countries

\$861,029 was spent on interpreters

65,467 translated brochures were distributed

In 2009 the name of the Ethnic Affairs Priorities Statement (EAPS) program was changed by the Community Relations Commission (CRC) to the Multicultural Policies and Services Program. A Multicultural Planning Framework (MPF) was developed by the CRC to assist agencies in multicultural policy development and service provision. Legal Aid NSW participated in the pilot which contributed to the development of the framework. Our new Multicultural Action Plan and the four outcomes within the plan complement the four activities of this framework.

A summary of key performance highlights from the Multicultural Action Plan appears in the Appendices.

PRIORITY 1: SOCIAL INCLUSION

We made wide use of interpreters and translators, both face-to-face and over the telephone for client interviews, community legal education sessions and court hearings. Expenditure for the year was \$861,029, an increase of 9.3% from the previous year. In a new initiative, Legal Aid NSW also contributed to the cost of interpreters in Community Legal Centres by way of grants of \$43,511.

PRIORITY 2: ACCESS TO JUSTICE

We distributed 65,467 translated publications and delivered community legal education sessions on the Australian legal system, including specific topics such as police powers, to emerging migrant and humanitarian communities.

A culturally appropriate model for family dispute resolution was developed through establishing cadetships for 10 trainees from multicultural backgrounds.

Year ahead

To continue to deliver the program of initiatives set out in our Multicultural Action Plan and Disability Action Plan.

Private lawyers

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

Private lawyers working on assigned cases achieve many positive outcomes for individuals or groups of clients.

CASE 1 TERRORISM ON TRIAL

Nine co-accused charged with Commonwealth terrorism offences were represented by a combination of Legal Aid NSW in-house lawyers, Public Defenders and private lawyers. All accused were committed to the Supreme Court. The trial was unprecedented in its size and complexity. Pre-trial argument commenced in February 2008 and continued for nine months until the trial commenced in November 2008. Four of the accused pleaded guilty at various stages in the proceedings and the remaining five co-accused were convicted by jury verdict in October 2009. All lawyers were grateful for the effective and efficient coordinated management by the Grants Division of Legal Aid NSW and, in particular, the Grants Senior Criminal Lawyer.

CASE 2 CHILDREN IN CARE

The legally aided clients were the parents of four children in care and protection proceedings. The Department of Human Services' care application first came before the Children's Court in October 2009. By consent, the children remained in the care of their parents, and the matter was referred to a care circle conference.*

**Care circles involve Aboriginal community representatives in making recommendations to courts about children in care matters.*

In 2009-2010, private lawyers provided 44.3% of our case and duty services.

At the end of the care circle conference, the conference chair (the magistrate) made an interim order (in the absence of the children's representative) placing the children in the parental responsibility of the Minister. There was a dispute about whether the order was made as part of the care circle conference or whether the Children's Court was sitting at the time the order was made.

The parents filed a summons in the Supreme Court in November 2009 seeking to quash the interim order. In May 2010 the Supreme Court set aside the interim order on the basis that it was either beyond the powers of the conference to remove the children from their parents or the decision was procedurally unfair. The Court found that:

- even if the Court was convened during the care circle, the failure of the magistrate to make clear that she had convened the Court during the care circle created a significant doubt about what was happening and constituted a failure to observe due judicial process; and
- the magistrate failed to observe the requirement that she was only permitted to make orders by consent or directions for the matter to be heard by another magistrate. The Magistrate acting as mediator during the care circle should not judge the cause.

The matter has returned to the Children's Court for the placement hearing.

CASE 3 WILDLIFE PROTECTION

Nambucca Valley Conservation Association v Nambucca Shire Council [2010] NSWLEC 38

The Environmental Defender's Office acted for the Nambucca Valley Conservation Association (NVCA). NVCA was the applicant in Land and Environment Court proceedings seeking judicial review of a development consent for a rural residential subdivision. The subdivision covered an area of significant koala habitat.

The challenge proceeded on five grounds and NVCA was successful on two. The consent was set aside on the basis that the Council failed to consider the objectives and other relevant clauses of its Local Environment Plan, failed to consider public submissions and failed to advertise the development application as required. The decision creates a useful precedent as it confirms the need for Councils to consider earlier public submissions even where the proposal is varied significantly over time, and to ensure that Councils properly readvertise amended development applications, facilitating public participation in the process.

Duty services

Private lawyers are an important part of the Duty Solicitor Scheme administered by Legal Aid NSW. Out of 168,382 duty services, 39% (65,283) were provided by private lawyers.

Year ahead

Support private lawyers to assist our clients through improved training and information.

Collaborating with our partners

More effective working relationships with other service providers

SECTION 2



Aunty Sylvia Scott and the Hon Linda Burney, Minister for Community Services opened our conference Working against domestic violence – you can make a difference! See page 38.

Major achievements

Implemented a Specialist Domestic Violence Practitioner Panel (page 33)

Expanded domestic violence services to 43 more courts (page 37)

Increased the number of panel lawyers to 2,950 – 20% more than last year (page 33)

Provided regular outreach services in 98 locations across NSW (page 40)

In this section

Key partners at a glance	32
Private lawyers	33
Community programs	35
Regional partnerships	38
Aboriginal partnerships	41
Forums and committees	42
Training	44

Key partners at a glance

Although we are the main provider of legal 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.

Private lawyers

Private lawyers provided 44.3% 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 30, 33, 146).

LawAccess NSW

LawAccess NSW referred 43,654 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 2009-2010 were family law matters relating to children, debt, property settlements and apprehended violence orders.

NSW Legal Assistance Forum (NLAF)

The NLAF Prisoners Working Group developed a legal information portal on the Corrective Services closed network as part of prisoner education initiatives.

NLAF 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 42).

Aboriginal Legal Service (NSW/ACT)

The ALS collaborated with Legal Aid NSW on a pilot to employ three new Aboriginal Field Officers.

Following the re-signing of the Statement of Cooperation in 2008, this partnership has constantly sought new ways of improving services to Aboriginal clients (page 41).

Cooperative Legal Service Delivery (CLSD) Program

Some 50 projects were completed, in progress or ongoing across NSW in 2009-2010, assisting people who have limited access to public legal services.

CLSD is a regionally based approach to legal service delivery. It develops partnerships between regionally based legal, community and government agencies through initiatives that increase access to legal assistance and services (page 38).

Community Legal Centres

Community Legal Centres assisted 45,823 people.

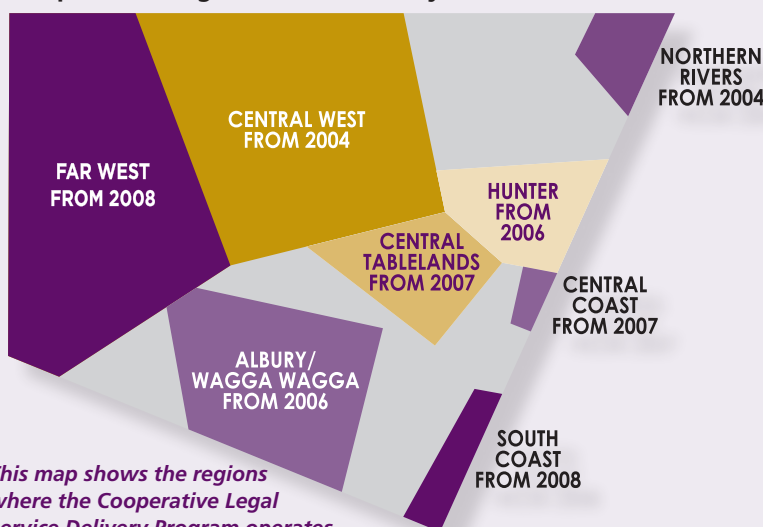
Legal Aid NSW administers funding to 35 Community Legal Centres. Most provide general legal assistance but some are a specialist service (pages 35, 135).

Women's Domestic Violence Court Advocacy Program

The program provided 56,770 services to women in NSW.

This program works 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 (pages 37, 136).

Cooperative Legal Service Delivery 2004 – 2010



This map shows the regions where the Cooperative Legal Service Delivery Program operates (page 38).

Partnerships with private lawyers

The Grants Division of Legal Aid NSW receives legal aid applications and determines whether the applicant is eligible.

If so, a grant of aid is issued to the applicant, and their case allocated to either an in-house or private lawyer. The Division is responsible for the ongoing management of the grant.

It also manages and administers private lawyer panels, including conducting audits of panel files.

FACT FILE

Total staff 91

Grants received 50,061 applications for legal aid, comprising:

- 26,994 applications for legal aid in criminal law
- 20,078 applications for legal aid in family law
- 2,989 applications for legal aid in civil law

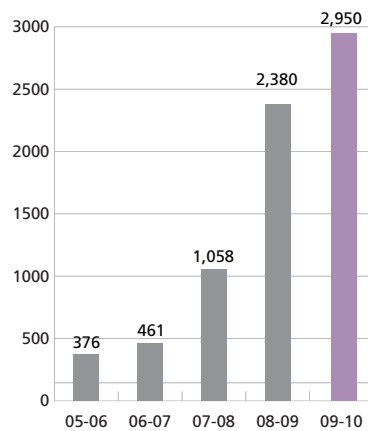
2,950 appointments on 11 panels

44.3% of all legally aided case and duty services were provided by private lawyers

Panels

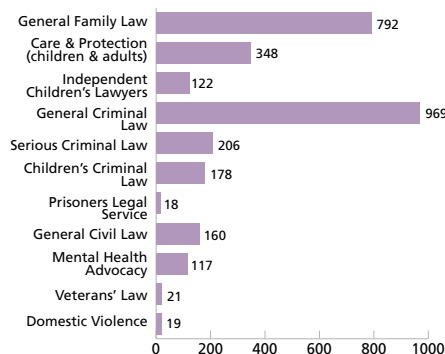
Panels for solicitors and barristers who directly represent legally aided clients cover all areas of law for which legal aid is available. Panels allow Legal Aid NSW to ensure transparency in assignment processes and to enforce practice standards consistent with the delivery of quality legal aid services to our clients. Successful applicants are required to enter into a Service Agreement under which they agree to comply with practice standards when undertaking legal aid work, and to be subject to audit.

LAWYER APPOINTMENTS ON PANELS 5 YEAR TREND



During 2009-2010, panels operated in Children's Criminal Law (specialist Children's Courts), Care and Protection, Veterans' Law, Independent Children's Lawyers, General Family Law, General Civil Law, Mental Health Advocacy, Prisoners Legal Service, General Criminal Law and Serious Criminal Law.

PRIVATE LAWYER APPOINTMENTS ON PANELS 2009-2010



There were 570 new appointments to 11 panels – a 20% increase since last year.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

We appointed 570 lawyers to legal aid panels, 20% more than last year, bringing the total of lawyers on all 11 panels to 2,950.

We developed guidelines for publishing lists of private lawyers appointed to each panel with their contact details.

The new Specialist Domestic Violence Practitioner Panel was implemented in consultation with the Women's Domestic Violence Court Advocacy Program (page 37).

Lawyers are appointed to this panel to assist women and children who have experienced or who are experiencing domestic violence to obtain Apprehended Domestic Violence Orders. Clients will also have better access to a network of professional services that can assist them with their other legal and social welfare needs. The panel provides representation at 18 courts in the metropolitan area and the Central Coast.

PRIORITY 2: ACCESS TO JUSTICE

Selection criteria for appointment to panels, and panel information packages, were revised to ensure that lawyers can effectively represent clients from culturally and linguistically diverse backgrounds and clients with disabilities. Criteria will be progressively included in panel selection processes as panels are refreshed. Panel members' language skills will be entered into the ATLAS grants management system so that Grants staff can refer clients to private lawyers who speak their own language.

PRIORITY 2: ACCESS TO JUSTICE

Solutions to long trials

The Trial Efficiency Working Group, made up of senior judges and representatives of the Office of the NSW Director of Public Prosecutions, Commonwealth Director of Public Prosecutions, Bar Association, Law Society of NSW, NSW Department of Justice and Attorney General, Legal Aid NSW and the Aboriginal Legal Service, made recommendations in 2008-2009 to address inefficiencies in criminal trials. For its part, Legal Aid NSW established a working party to develop its responses to these recommendations. The major response involves creating two specialist barrister panels for complex criminal law matters.

This project tapped into the expertise of staff from across our organisation – Grants, Planning and Policy and the Criminal Law Division. Legal Aid NSW will introduce the specialist Barrister Panels for Complex Criminal Law Matters and Criminal Appellate Matters after further consultation with the Bar Association and Law Society.

Practice Standards audits

Legal Aid NSW has an Audit Strategy to measure compliance against the Panel Practice Standards and Service Agreements that apply to private lawyers.

The General Criminal Law and General Family Law Panels are two of the newer Panels and are the largest by far of the 11 panels currently in place; therefore they were a recent focus of audit. This year, 32 lawyers on these panels were audited and around 160 files were reviewed.

Although the focus of audits is educative, if breaches of the

Service Agreement are found, further action may be taken. The refund of unsubstantiated payments is one course of action.

The Legal Aid NSW Monitoring Committee this year considered Service Agreement breaches by two lawyers. The Committee can recommend various courses of action including the removal of a lawyer from a panel.

Major achievements

PRIORITY 3: INTEGRATED SERVICES

Starting in October 2009, Legal Aid NSW introduced regular online audit newsletters to assist private lawyers on panels to comply with key requirements for legal aid work. Newsletters highlight common audit issues and provide guidance on compliance and responsibilities. Lawyers have welcomed the regular communication saying it has “made their life much easier”.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

The Audit Strategy and resources were revised this year in response to the increasing number of panels and the number of lawyers on panels. Recognising the need for a higher level of auditing, in March 2010 the CEO approved three more permanent positions for this work.

In accordance with the Audit Strategy, high earners continued to be a high priority group. We commenced an analysis of this area in order to suggest policy and procedural changes.

Supporting private lawyers

The focus of Grants throughout 2009-2010 has been to effectively and efficiently implement ATLAS, our new grants management system. ATLAS was implemented in March 2009, and introduced centralised grants processing.

It changed the way in which Grants staff do business, and the way in which the in-house practice, private lawyers and lawyers in Community Legal Centres work. This has required significant collaboration and communication between all stakeholders, and training on systems use, processes and Legal Aid NSW policies. The need for this is ongoing.

Major achievements

PRIORITY 3: INTEGRATED SERVICES

Two major upgrades were made to the ATLAS and Grants Online systems. These upgrades remedied defects in the system and also made improvements, based on feedback from private lawyers and staff.

We also introduced new “Start up grants” in criminal law. Start up grants bundle together fees and disbursements commonly requested in an initial application, and provide a streamlined application process for lawyers seeking an initial grant for their client. Start up grants were introduced for defended Local Court and Children’s Court matters and for committals. Almost 80% of lawyers in Local Court and Children’s Court matters seek only a Start up grant on their initial application.

Grants staff provided 12 training sessions on grants processes and procedures to private lawyers and community legal centre lawyers at locations throughout NSW, including Katoomba, Dubbo, Wagga, Tamworth, Lismore, Armidale and Manly. They presented seminars, information and training at a range of conferences and regional Law Society meetings.

Regular communication with private lawyers has addressed

Community programs

ATLAS and Grants Online issues, including the allocation of assigned legal aid work, system enhancements, advice about policy developments and clarity on policy issues.

Feedback obtained from private lawyers at the Legal Aid NSW Criminal Law Conference in June 2010 was that Grants communication with private lawyers is effective.

Year ahead

Expand the Specialist Domestic Violence Practitioner Panel to new locations.

Review guidelines for the way we allocate grants of aid.

Develop a comprehensive communication strategy with private lawyers.

Open the online Learning Management System to allow private lawyers greater access to learning and development opportunities.

Publish panel membership information.

Be more proactive in providing private lawyers with tools and information to assist them in complying with panel practice standards.

Key challenge

Progress the specialist barristers' panels for complex criminal law work and for criminal appellate work. These panels will cover some of our most challenging matters and will be the first panels developed exclusively for barristers.

Community Legal Centres Program

Legal Aid NSW administers State, Commonwealth and Public Purpose Fund funding for 35 Community Legal Centres (CLCs) throughout NSW through the Community Legal Centres Program.

Legal Aid NSW also funds Community Legal Centres NSW (CLCNSW), the peak body for CLCs in NSW. See the Appendices for details.

CLCs are independent, non-profit organisations with most being managed by an independent Board or Management Committee. The Community Legal Centres Sub-Committee advises the Legal Aid NSW Board about CLC management and funding.

CLCs provide a range of free legal services to address the specific needs of disadvantaged sectors of the community. More detailed information about services and locations of individual centres is contained on the CLCNSW website at www.clcnsw.org.au.

Five CLCs also receive funding to operate the Children's Court Assistance Scheme (CCAS) at eight 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 when going to court.

CLCs provided legal services to 45,823 clients this year, an increase of 16.6% on 2008-2009.

FACT FILE

35 centres assisted 45,823 people

Made 4,387 referrals to Legal Aid NSW

Received 3,062 referrals from Legal Aid NSW

Opened 8,165 new cases and completed 6,486

Opened 780 major cases (complex/lengthy matters)

Delivered 851 community legal education programs

Funding in 2009-2010

A total of \$16,766,617 was paid to Community Legal Centres through the CLC Funding Program comprising:

- \$7,008,870 in Commonwealth Government funding (42%);
- \$4,718,818 in State Government funding (28%); and
- \$5,038,929 in Public Purpose Fund funding (30%).

In late December 2009, the Commonwealth Attorney-General announced new funding for a pilot for Legal Aid NSW and CLCs to provide legal services in 21 Family Relationship Centres in NSW. In January and February 2010, \$996,930 was paid across 15 CLCs for participation in this pilot, which will now be funded as a program over the next three years (see page 19).

The Commonwealth Attorney-General also provided CLCs with additional one-off funding of \$510,000 in July 2009 and a further \$110,000 in June 2010.

The Public Purpose Fund continued to provide funding to a number of CLCs in NSW.

More details can be found in the Appendices.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

Many projects target communities at greatest risk of social exclusion. The Aboriginal Legal Access Program (ALAP) is one of these. Managed by Legal Aid NSW and implemented by CLCs, the ALAP aims to increase the number of Aboriginal people receiving legal services. Highlights in 2009-2010 included the following:

- Hawkesbury Nepean CLC built interagency partnerships that increase the capacity of services to assist clients to resolve legal issues before they escalate.
- Shoalcoast CLC provided outreach services to isolated Aboriginal communities.
- Northern Rivers CLC established Mirrung Ngu Wanjarri (Aboriginal Women Making Changes), running workshops as far out as Cabbage Tree Island and Tabulam, involving men and women of different ages.
- Macarthur Legal Centre's four Aboriginal workers increased the number of Aboriginal clients assisted to an average of 147 per month.
- Illawarra CLC doubled its number of Aboriginal clients.
- Warringa Baiya Aboriginal Women's Legal Centre expanded community legal education on domestic violence and adult and child sexual assault to communities in the South Coast, Central Coast and New England/Hunter regions of NSW.

PRIORITY 2: ACCESS TO JUSTICE

The main focus of our partnership with CLCs, in line with the Access to Justice framework established by the Commonwealth Attorney General's Department, is to focus on early intervention, advice and community legal education. This year, joint publications were a key part of this strategy. They included:

- *Appealing to the Social Security Appeals Tribunal* with the Welfare Rights Centre;
- *Fined out* with the Inner City and Redfern Legal Centres; and
- the *Credit Law Toolkit* with the Consumer Credit Legal Centre.

In December 2009, an Intellectual Disability Service Improvement Project was established with funding from the Public Purpose Fund (\$500,000 over two years). Legal Aid NSW and the Intellectual Disability Rights Service developed this project to improve legal outcomes for people with an intellectual disability facing criminal charges. The project commenced on 1 May 2010.

PRIORITY 3: INTEGRATED SERVICES

A new partnership was established between Legal Aid NSW, community legal centres and Family Relationship Centres to provide legal services in Family Relationship Centres in NSW (see page 19).

Legal Aid NSW and the Consumer Credit Legal Centre developed a Mortgage Hardship Program, providing community legal education to accompany the *Mortgage Stress Handbook* and *Mortgage Rescue DVD* across NSW. The Centre and Legal Aid NSW also received funding from the Public

Purpose Fund to employ lawyers and financial counsellors to provide a financial hardship and mortgage hardship legal service (see page 20).

Legal Aid NSW and the Public Interest Advocacy Centre worked together to recover unpaid wages and child endowment payments for Aboriginal people, assist children and young people unlawfully detained in the criminal justice system, and improve services for homeless people. This collaboration included working together on policy responses to systemic issues and identifying cases that also highlight those issues.

The Legal Aid NSW Learning Management System was opened to staff of CLCs across the state, resulting in 209 registered users and 132 course completions.

Year ahead

Establish a new CLC on the Mid North Coast of NSW.

Extend legal services in Family Relationship Centres.

Distribute the *Credit Law Toolkit* and publish an updated *Mortgage Stress Handbook*.

Develop more partnership projects that meet the needs of people at risk of social exclusion, through early intervention and community legal education and information initiatives.

Implement new Service Agreements between CLCs and Legal Aid NSW for the three-year period commencing 1 July 2010.

Key challenge

Conduct a review of 13 CLCs funded by the Public Purpose Fund to determine whether service delivery and project goals are being met.

Women's Domestic Violence Court Advocacy Program

Legal Aid NSW administers NSW Government funding for 28 Women's Domestic Violence Court Advocacy Services (WDVCASs) which provide services in 108 Local Courts around New South Wales, as part of the Women's Domestic Violence Court Advocacy Program (WDVCAP).

These services help women and children who have experienced or who are 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 CEO about WDVCAP activities. See the Appendices for details.

FACT FILE

Provided services at 108 Local Courts

Provided 56,770 services to 18,060 clients across NSW (a 28.3% increase)

10.2% were Aboriginal women

22.6% were women from backgrounds other than English-speaking

73% of matters were finally determined

Funding in 2009-2010

Total: \$6,715,604

The 2009-2010 budget for WDVCAP grants was increased to \$7.098 million from 1 July 2009. Of this, \$6,715,604 was granted to individual WDVCASs with additional amounts spent on training and resources.

Funding is provided to incorporated, not for profit non-government service provider organisations through a triennial Service Agreement with Legal Aid NSW. Details of funding allocations are in the Appendices.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

From 1 July 2009 the structure and coverage of WDVCAP services changed as a result of an increase of \$2.7 million in NSW Government funding. The expansion of the WDVCAP achieved:

- greater coverage of the Local Court system across NSW, with an increase in the number of courts serviced from 65 to 108;
- more viable and sustainable services; and
- a better capacity to respond to the diverse needs of our clients by establishing more specialist positions to work with Aboriginal communities and people from culturally diverse backgrounds.

Throughout the first year of expansion, the WDVCAP Mentoring Officer provided essential onsite support and assistance to each new and amalgamated service as it commenced operation.

The Program responded to the needs of Aboriginal clients this year by organising a network meeting in Sydney of all Aboriginal Specialist Workers employed by the WDVCASs. The workers determined their training needs and developed a governance framework for the future of the network.

An external consultant was employed to review and progress the 48 recommendations of the *Report on Legal Aid NSW services to people in domestic violence situations*. A domestic

violence strategy was put in place; implementations this year included:

- establishing the Domestic and Family Violence Committee, chaired by the CEO, to develop cross-divisional service delivery initiatives;
- a tipsheet for Legal Aid NSW frontline staff; and
- new domestic and family violence guidelines for in-house and private lawyers.

PRIORITY 2: ACCESS TO JUSTICE

The Program expanded to an additional 43 Local Courts in NSW, providing 28.3% more services than last year.

Additional funding also covered the cost of publishing a suite of resources for Aboriginal women such as posters, wallet cards and brochures (pictured).



PRIORITY 3: INTEGRATED SERVICES

The WDVCASs rely on cooperative and collaborative working relationships with their key partners to achieve positive outcomes for clients. It is also important that WDVCASs work with these agencies to develop a shared understanding of domestic violence service delivery. Partners include the NSW Police Force, Local Courts, the legal profession and other non-government and government organisations, which provide services to victims of domestic violence.

The WDVCAS Network Inc increased its legal policy and advocacy function. The Network met with Assistant Commissioner Mark Murdoch



Senior Sergeant Jim Sole, Dr Ruth Busch and Michelle Jones (WDVCAP Manager).

Show of unity at conference

The 2010 WDVCA conference held in Sydney in June 2010, was the first conference since the Program's expansion. The 220 delegates, including partners – the NSW Police Force and NSW Local Courts – agreed that positive changes have taken place, but that the law has far to go in providing protection from violence.

Conference participants said that the conference was a valuable learning experience and that they were inspired by the dedication and enthusiasm of workers and leaders in the field.

from the NSW Police Force as well as representatives from the NSW Ombudsman, Housing NSW and the Department of Justice and Attorney General to enhance partnerships and develop referral mechanisms to improve client outcomes.

Other joint initiatives included working with the NSW Police Force and Local Courts at the state and local level to clarify their respective roles and resolve local and systemic operational issues, and joint training sessions with the NSW Police Force and NSW Local Courts.

The Legal Aid NSW Learning Management System was opened to staff from the WDVCA across the state, resulting in 43 registered users and 17 course completions.

Year ahead

Evaluate the effectiveness of the new services and make improvements.

Employ a Training Officer to develop training opportunities for WDVCA employees and seconded workers.

Work with the Grants Division of Legal Aid NSW to expand the new Specialist Domestic Violence Practitioner Panel (page 33) to ensure WDVCA clients have effective access to legal services.

Key challenge

The WDVCA significantly increased the number of Aboriginal specialist workers assigned to a WDVCA in July 2009. Throughout 2010–2011 the Program will need to provide them with more training and support.

73% of clients assisted by a service obtained final ADVOs in finalised matters.

Regional partnerships

People living in rural and remote areas can have difficulty accessing legal services.

Legal Aid NSW played a leadership role in developing regional partnerships and outreach programs that keep finding new ways to improve service delivery to people disadvantaged by distance.

FACT FILE

50 CLSD projects across 8 regions

Rural, regional and remote communities

The Cooperative Legal Service Delivery (CLSD) Program is a regionally-based approach to legal service delivery that aims to improve access to legal services in regional areas of NSW. It does this by building cooperative networks of public legal sector, pro bono, community and human services providers.

Agencies involved in the eight CLSD partnerships across NSW include Legal Aid NSW regional offices, Community Legal Centres, the Aboriginal Legal Service, Aboriginal Community Justice Groups, LawAccess NSW, Local Courts, the NSW Legal Assistance Forum, tenancy, domestic violence, family relationship, disability and financial counselling services, local community and settlement services as well as pro bono legal services, government departments and regional libraries.

CLSD partners work collaboratively on projects that respond to locally identified, emerging and unmet legal needs. Initiatives undertaken with CLSD typically include training, community legal education, workshops and outreach clinics. This year we continued to strengthen the Program.

Major achievements

Eight regions – one voice

The CLSD Program Unit convened a two-day workshop for the eight CLSD Regional Coordinating Services and Coordinators in March 2010. The workshop was an opportunity to share experiences, information and resources. Following valuable feedback from workshop participants, the CLSD funding agreement and project funding guidelines have been amended and an Operating Manual developed for CLSD Regional Coordination Services.

PRIORITIES 1 & 2: SOCIAL INCLUSION AND ACCESS TO JUSTICE

CLSD partners have worked on many projects that align with Corporate Plan priorities, in particular improving access to services, legal assistance and community education for Aboriginal communities, people in domestic violence situations and people experiencing financial stress.

Some 50 CLSD projects were completed, in progress or ongoing across NSW in 2009-2010.

Highlights included:

- fines workshops – clients were assisted to deal with their debts caused by fines in Nowra, Ulladulla, Bateman's Bay, Moruya, Narooma, Wallaga Lake, Bega, Eden, Broken Hill, Wilcannia, Menindee, Gosford and Wyong with assistance provided by Legal Aid NSW, Community Legal Centres, the Aboriginal Legal Service, financial counsellors and private lawyers;
- rolling out *Learn about the law* – a series of one-day workshops with the Older Person's Legal and Education Program and CLSD partners in Dubbo, Broken Hill, Nowra and Wyong for Aboriginal community workers and members;
- a new joint weekly advice and minor assistance legal clinic in Bathurst (staffed by Legal Aid NSW, CLC and private lawyers);
- a domestic violence forum in Bathurst aimed at providing the skills and knowledge for frontline staff to make effective legal and community referrals that will improve outcomes for women experiencing domestic violence and their children;
- a pilot community legal education module developed with the Northern Rivers CLSD on discrimination law and practice for Aboriginal communities, which may now be implemented across NSW;
- training on unfair dismissals and unlawful termination under the *Fair Work Act* (with the Fair Work Ombudsman) and legal and estate planning issues for parents and carers of people with disabilities – both delivered in Dubbo and Broken Hill by CLSD pro bono partner firm Blake Dawson;
- a legal service directory for community workers on the Central Coast and official launch of the Hunter Community Legal Directory;
- a legal information forum in Lismore for emerging Sudanese, Congolese and Sierra Leone communities; and
- the Far West CLSD participants giving evidence to the House of Representatives Inquiry into the Impact of the Global Financial Crisis on Regional Australia.

Year ahead

Increase support to CLSD partnerships through training and information sharing across Regional Coordinating Services.

Evaluate each region's achievements and potential capacity under their strategic plans to launch new initiatives.

Key projects will include:

- expanding the capacity of Murrumbidgee and Murray regions by implementing a split of the Albury and Wagga Wagga CLSD partnerships into two distinct but complementary CLSD regions; and
- rolling out the *Law for Community Workers* workshops – practical training about the law for community workers in the regional NSW towns of Bathurst, Lithgow, Dubbo, Nowra, Bega, Albury, Wagga Wagga, Tweed Heads and Lismore.

Key challenge

Ensuring and enhancing the quality, consistency and capacity of Regional Coordination Services and CLSD projects across regions in a constantly evolving and complex legal services landscape.

The CLSD Program Unit will be implementing strategies to address this challenge, such as annual workshops, training, and streamlining CLSD procedures and reporting.

Rural and regional outreach programs

Legal Aid NSW works hard to provide people living in rural and regional areas with access to legal services. Practical measures include:

- appointing additional lawyers to country locations;
- delivering regular legal advice clinics in particularly disadvantaged areas;
- working with the Aboriginal Legal Service to improve access to advice for Aboriginal communities;
- working with private lawyers to help clients access legal assistance in areas of the state where Legal Aid NSW does not have an office; and
- increasing the availability and use of video conferencing.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

We provided outreach advice clinics for client priority groups in 11 locations for Aboriginal communities in rural and regional areas and 16 locations for homeless people.

Family law outreach services continued to expand – family lawyers attended 49 locations to provide family law services in regional centres where there are no Legal Aid NSW offices.

Under the National Partnership on Homelessness and NSW Homeless Action Plan, three homeless outreach clinics have been successfully implemented in the Newcastle/Hunter area, with one more clinic to commence shortly.

The most successful of these clinics is co-located with the Samaritans (a Newcastle based welfare agency). The success of this clinic has been aided by the service’s case workers being keen to work closely with the homeless outreach lawyer. The workers have gained a strong understanding of the types of legal issues their clients face, and are supporting referrals to the weekly onsite clinic.

The homeless outreach lawyer assisted the Samaritans to become an approved organisation for supervising the State Debt Recovery Office Work and Development Orders (WDOs), allowing clients to pay off fines through volunteer work and attendance at support programs.

As a result, mutual clients with fines have been able to commence a WDO, gaining work experience and receiving support while they try to break the cycle of homelessness.

PRIORITY 2: ACCESS TO JUSTICE

Regional Outreach Clinic Program

The Regional Outreach Clinic Program (ROCP) commenced in September 2009 with private or community legal centre lawyers in regional and remote NSW providing monthly advice and minor assistance outreach clinics in regional and remote NSW.

Clinic locations were selected on the basis of high socio-economic disadvantage and comparative low access to free legal services; lawyers were selected following an expression of interest process.

Clinics currently operate in Brewarrina, Moree, Macksville, Bowraville, Lithgow, Wentworth and Dareton. The clinics are hosted in a variety of agencies including local community or neighbourhood centres, the local public library and in Brewarrina, the Local Court.

Approximately 70 free advice and minor assistance clinics have been delivered since September 2009.

In targeting areas of high disadvantage in regions with high Aboriginal populations, the Program has addressed the Corporate Plan priority to expand and improve outreach services in Aboriginal communities.

Regional Solicitor Program

The Regional Solicitor Program (RSP) began as a two-year project in 2007, to address shortages of lawyers undertaking legal aid work in remote, rural and regional areas of NSW.

The Program was phased out during 2009-2010, in its original locations following the completion of the final evaluation of the first phase of the Program.

While the evaluation report identified some positive outcomes of the RSP, it also indicated that the impact of the Program on the provision of civil law services was relatively limited, and that the costs of the Program were relatively high, compared to other options for providing regular access to free legal advice in country towns.

In addition, it became clear that it would be difficult for Legal Aid NSW to secure further funding to continue the RSP in the locations that were funded in the initial phase of the Program, given the

Aboriginal partnerships

mixed findings of the evaluation. For these reasons it was decided to scale back the Program in its original locations over a four-month period ending on 31 May 2010.

Prior to the completion of the evaluation, the Program was introduced to four new areas – Bathurst, Albury, Tamworth and Balranald/Wentworth – using dedicated Commonwealth funding.

Year ahead

Expand the ROCP Program to six new locations and increase the number of clinics in current locations where demand is high.

Legal Aid NSW will focus on developing and promoting best practice in the delivery of quality ROCP services through training, resources and the provision of professional support to participating lawyers.

Key challenge

Raising awareness of the clinics in very disadvantaged communities and providing lawyers with appropriate support. To address this, Legal Aid NSW will promote the clinics in the relevant communities and allocate resources into training and supporting ROCP providers.

The Aboriginal Legal Service (ALS) NSW/ACT is our key partner in delivering legal services to Aboriginal people in NSW.

The Aboriginal Services Unit of Legal Aid NSW is responsible for managing the relationship between Legal Aid NSW and the ALS.

Following the re-signing of the Statement of Cooperation in 2008, the partnership has continued strongly and is constantly seeking new ways of improving services to Aboriginal clients.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

The Aboriginal Services Unit has engaged Aboriginal Community Justice Groups (ACJGs) to become local reference groups for regional and metropolitan Legal Aid NSW offices.

Based in 20 locations around the state, ACJGs are administered by the Department of Justice and Attorney General.

PRIORITY 2: ACCESS TO JUSTICE

In consultation with the ALS, Legal Aid NSW identified three locations for employing Aboriginal Field Officers – Campbelltown, Walgett and Coffs Harbour – chosen for their high Aboriginal population density and identification as areas of high unmet need. This two-year pilot will focus on making our family and civil law services more accessible to Aboriginal communities.

Legal Aid NSW took a cooperative approach to case managing large multi-accused hearings referred to Legal Aid NSW by the ALS for reasons of conflict.

Legal Aid NSW conducted civil law advice clinics at most ALS offices and helped Aboriginal people with family law matters through referrals to Legal Aid NSW.

PRIORITY 3: INTEGRATED SERVICES

Improving communication with the ALS is a Corporate Plan priority. Initiatives that strengthen our partnership include the following:

- The Deputy CEO Legal, Steve O'Connor is a member of the ALS board.
- ALS staff take part in Legal Aid NSW Aboriginal Cultural Awareness Training.
- Legal Aid NSW funds the ALS to employ two care and protection lawyers in regional NSW.
- The ALS is represented on the Legal Aid NSW Aboriginal Justice Committee (see Appendices).
- Joint regional meetings are held in Dubbo and Coffs Harbour to discuss local service delivery, partnership and project issues.

Year ahead

Establish three Aboriginal Field Officer positions (civil and family law) in Campbelltown (employed by Legal Aid NSW), Walgett and Coffs Harbour (employed by the ALS) to reduce barriers between Legal Aid NSW and Aboriginal communities and to increase community legal education and outreach services.

Key challenge

Meet targets in our Aboriginal Services, Employment and Partnerships Plan 2009-2011, particularly in regard to increasing the numbers of Aboriginal people using Legal Aid NSW services.

Forums and committees

Inter-agency committees

Legal Aid NSW staff were members of over 130 inter-agency forums and committees working towards making the justice system more efficient, fair and accessible.

A full list of committees appears in the Appendices.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

New partnerships with non-legal service providers are a Corporate Plan priority as they will help us to develop new service responses to groups at high risk of social exclusion.

Initiatives included:

- Pathways networks – family lawyers from across NSW took leadership roles in local Pathways groups funded by the Commonwealth Attorney General; and
- the Lismore Domestic Violence Committee – local domestic violence related services and Legal Aid NSW presented an information seminar on family violence.

PRIORITY 3: INTEGRATED SERVICES

The Sydney West Legal Services Group, initiated by Penrith Legal Aid office in 2008, worked with local agencies to develop a strategic approach to improve client referrals between agencies. This year, more members came on board; the Group now has representatives from Community Legal Centres, Court Registrars, private law firms, LawAccess NSW, family support agencies, domestic violence groups as well as government departments.

Legal Aid NSW established links with the Tharawal Aboriginal Community Justice Group, a group of Indigenous representatives across the areas of health, criminal justice, youth and

education who worked together with the Aboriginal Land Council and the Aboriginal Medical Service to achieve better outcomes for people in the Campbelltown and greater Macarthur regions.

Legal Aid NSW, in partnership with the AIDS Council of NSW and the Council on the Ageing NSW, provided two legal information forums for gay, lesbian, transgender and intersex older people. The forums were held in Katoomba and Sydney.

Legal Aid NSW has enjoyed a successful partnership with the Benevolent Society in delivering the Planning Ahead Project to clients of that organisation's St George and Sutherland Live at Home Program. The project involves a private lawyer who has prepared wills, powers of attorney and appointments of enduring guardianship for 24 clients at pro bono rates and provided free legal advice or minor assistance to 20 clients in a range of civil law matters. The Benevolent Society nominated this project for the Home and Community Care Better Practice Project.

The Women's Domestic Violence Court Advocacy Program is a member of the Apprehended Violence Orders Legal Issues Coordinating Committee, where non-government and government representatives made recommendations for improved legislation, policies and procedures. The Intersectoral Domestic and Family Violence Workforce Training Committee (NSW Health) coordinated training among agencies that provide services to people affected by domestic violence.

Forums

Legal Aid NSW is a member of several state and national forums that work collectively to find better ways of dealing with key legal issues affecting people's legal rights.

Major achievements

PRIORITY 3: INTEGRATED SERVICES

NSW Legal Assistance Forum (NLAF)

Alan Kirkland, Legal Aid NSW CEO, is the Chair of NLAF and a number of Legal Aid NSW staff participate in or convene NLAF working groups.

The work of NLAF this year focused on improving access to legal services for multilingual communities, rural, regional and remote communities and prisoners. Key initiatives included:

- securing funding from the Commonwealth Attorney General's Department for the Law and Justice Foundation to conduct research on issues of lawyer availability, recruitment and retention in regional areas of NSW (The research was completed and a report submitted in June 2010.);
- developing resources in Dinka, Arabic and Juba by working with Blacktown Local Court and the University of Western Sydney to investigate models of court support and setting up a Liverpool Legal Services Interagency for Fijian and Iraqi communities;
- convening two forums that developed mapping documents to improve domestic violence services and provided an opportunity for people working in the domestic violence sector to provide input into the Australian Law Reform Commission/ NSW Law Reform Commission Family Violence Inquiry.

NLAF was invited to give evidence to the House of Representatives Inquiry into the Impact of the Global Financial Crisis on Regional Australia, in support of its written submission. NLAF members met with the Commonwealth Attorney-General's Department to discuss the report *A Strategic Framework for Access to Justice in the Federal Civil Justice System*. NLAF made a written submission in response to the report.

New resources, forum reports and submissions mentioned above are available on the NLAF website: www.nlaf.org.au

National Legal Aid

National Legal Aid (NLA) is comprised of the Directors of the eight independent Legal Aid Commissions in each of the States and Territories. Together NLA provides services to more than 750,000 Australians each year. Alan Kirkland, Chief Executive Officer of Legal Aid NSW, is the current chair of NLA.

NLA hosted its biennial Best Practice Conference in Cairns in July 2009. As in previous years it was well attended with high quality speakers. This year NLA published its PriceWaterhouseCoopers study *Economic Value of Legal Aid: Analysis in relation to Commonwealth funded matters with a focus on family law*. This assisted in discussions with the Commonwealth in the lead up to the Budget.

NLA's Consumer Law Working Group continued its successful collaborative work with other legal service providers and financial counsellors on the implementation of the national consumer credit legislation.

NLA made 19 submissions about key legal issues affecting the legal rights of disadvantaged people. The submission to the Australian Law Reform Commission in relation to family violence was particularly complex, requiring cooperation and coordination across family and crime practice areas and across the jurisdictions. Over the year NLA was also heavily involved in discussions with the Commonwealth about the new National Partnership Agreement.

Australian Legal Assistance Forum

The CEO represents Legal Aid NSW and the other Legal Aid Commissions on the Australian Legal Assistance Forum (ALAF) which also includes the Law Council of Australia, Aboriginal and Torres Strait Islander Legal Services and the National Association of Community Legal Centres.

ALAF works to address national legal assistance issues in a co-operative and co-ordinated way.

Justice Executive

The Chief Executive Officer of Legal Aid NSW, Alan Kirkland, attends quarterly meetings of the Justice Executive Group along with Laurie Glanfield, Director General of the Department of Justice and Attorney General, Nicholas Cowdery, Director of Public Prosecutions, and Ron Woodham, Corrective Services Commissioner. These meetings facilitate effective coordination of justice issues, allow Department-wide priorities and strategies to be identified and provide an opportunity for strategic thinking and advice on critical justice issues. Other justice agencies, such as NSW Police, the Judicial

Commission and Juvenile Justice participate in the meetings from time to time.

NSW Legal Information and Referral Forum

The aim of this Forum is to improve the quality of information and referral for people with legal problems in NSW by drawing together and disseminating existing knowledge and experience and identifying common concerns and potential areas of cooperation.

In 2009-2010, the Forum focused on the areas of credit and debt, the family and civil law needs of Aboriginal people in NSW and community legal education for non-legal service providers.

Prime Minister's Council on Homelessness

The Chief Executive Officer, Alan Kirkland, was appointed to the Prime Minister's Council on Homelessness in August 2009. The Council advises the Prime Minister and Australian Government on progress towards the targets for reducing homelessness set out in the White Paper on Homelessness, *The Road Home*, and in the National Partnership Agreement on Homelessness.

Inquiries

Legal Aid NSW and Queensland Legal Aid developed a response to the problems posed by a gap in regulation by the *Insurance Contracts Act*. Director Civil Law, Monique Hitter, appeared as a witness and a representative of NLA before the Senate Economics Legislation Committee Inquiry into the Trade Practices Amendment (Australian Consumer Law) Bill 2009 (see page 28).

Training

Year ahead

Address access to employment law services for socially and economically disadvantaged people in NSW.

Improve access to legal services and legal information for newly arrived migrants and refugees.

Implement a legal information portal for prisoners in partnership with Corrective Services NSW.

Work with NLA to improve understanding of the role of legal assistance services in assisting people with mental health issues.

Key challenge

Recruiting and retaining lawyers in rural areas of NSW will be a focus for the NLA working party dedicated to rural, regional and remote issues.

Major achievements

PRIORITY 3: INTEGRATED SERVICES

We trained and resourced our partners so they are in a better position to help disadvantaged clients. We achieved this through:

- seminars for private family lawyers, including an independent children's lawyer advanced seminar series with workshops in Gosford, Newcastle, Parramatta, Sydney and Wollongong;
- a child support seminar series in Parramatta and Sydney and information sessions at Centrelink in Orange and Family Relationship Centres at Wagga Wagga and Tamworth;
- conferences, workshops and seminars in family, care and protection, civil and criminal law, plus cross-jurisdictional and other training;
- a forum for 81 community workers run by the Liverpool and Fairfield office about family law and domestic violence;
- mortgage hardship training for financial counsellors in Western Sydney and the Central Coast;
- information sessions for defendants in domestic violence proceedings at Mt Druitt Local Court in partnership with private lawyers, the Aboriginal Legal Service and Local Courts;
- training sessions for community workers and court workers in the Tweed Shire;
- a workshop for private lawyers and other key agencies who represent clients with Centrelink prosecutions;
- information sessions for financial counsellors and community workers on new consumer credit laws;

- training sessions for 276 employees and seconded workers of the Women's Domestic Violence Court Advocacy Services; and
- a series of workshops for community workers in areas of law where Legal Aid NSW has specialist knowledge (including older people, mental health law and consumer protection).

Our partners generously reciprocated by sharing their knowledge and expertise. Many private and community legal centre lawyers and barristers provided excellent presentations at our in-house conferences and training as part of our learning and development program.

Year ahead

Provide our partners with regular training and mentoring opportunities through the expertise of experienced in-house lawyers.

Distribute the *Credit Law Toolkit* to Community Legal Centres, the Australian Securities and Investments Commission and financial counsellors for use in training sessions.

Key challenge

Being able to provide training and resources to lawyers who are in geographically remote locations and may not have expertise in the areas in which Legal Aid NSW practises or with specific Legal Aid NSW client groups (such as people with credit and debt problems, clients with mental health issues).

Managing our organisation

Responding better to
changing legal needs

SECTION 3



The Mental Health and Wellbeing Working Group brings together a broad cross section of staff tasked with the challenge of addressing the mental health and wellbeing of all staff. Members are left to right: Linda Kable, Tristan Webb, Shirl Acland, Dora Dimos (Chair), Deirdre Scott, Marion Hertford, Justin Hutchinson, Julie Todd, Richard Funston, Jennifer Bulkeley. Absent: Siobhan Mullany. See page 46.

Major achievements

Established a new staff Mental Health and Wellbeing Working Group (page 46)

Increased our Aboriginal workforce to 4.6% of staff (page 48)

Provided Aboriginal Cultural Awareness training to 133 staff (page 48)

Registered 640 new people for online learning (page 48)

Assessed 27% of records collection at offsite storage (page 53)

Completed two major systems upgrades (page 53)

Commissioned and completed 12 service reviews (page 53)

Improved our environmental management (page 56)

In this section

Our people

Health and welfare	46
Equal employment opportunity	48
Learning	48
Staff achievements and profiles	50

Office systems

Continuous improvement	53
Service reviews	53
Resourcing staff	54
Technology	54
Office enhancements	56
Environmental management	56

People

The results of the Corporate Plan will be achieved by our highly qualified lawyers and advocates and efficient, client-friendly administrative staff. We made sure they have all the support they need to do their work more effectively.

FACT FILE

909 staff (402 in regional offices and 507 in Central Sydney)

435 lawyers and 474 administrative staff

38 Aboriginal staff

675 women and 234 men

29 new starters (13 in regional offices)

65 lawyers have specialist accreditation

Health and welfare

Health in the workplace – a growing concern

The mental health of our administrative staff and lawyers, is as vital as their physical health. This year, we examined how well we support and assist staff dealing with mental health issues.

The Mental Health and Wellbeing Working Group was established in May 2010 to develop initiatives aimed at improving the psychological health and wellbeing of all staff and to identify the risks they face. The Group involves a cross section of staff from different offices, roles and professional backgrounds.

STAFF NUMBERS 5 YEAR TREND

Year	FTE* figures** financial year end	Actual staff number financial year end
2009-10	827.80	909
2008-09	824.34	912
2007-08	784.77	852
2006-07	742.31	805
2005-06	709.54	767

*FTE: full time equivalent ** See Appendices for more details.

STAFF MOVEMENTS 3 YEAR TREND

Staff movements	2007/08	2008 /09	2009/10
New permanent staff	85	45	29
Staff departures	37	56	41
Promotions	51	24	26

Occupational health and safety (OH&S)

Human Resources Management reviewed the OH&S processes, policies and guidelines to ensure best practice and facilitate optimum health and safety of our employees.

The Stay Healthy Program included free flu vaccinations, defensive driving skills training, a stretch break program and sponsoring 36 staff to participate in the Global Corporate Challenge.

The OH&S Committee, made up of employer and employee representatives, met four times to review OH&S issues. Committee membership details are in the Appendices.

The CEO commissioned an independent review of health and wellbeing in the Criminal Law Division, in particular to identify factors relating to stress, workload, mental health, depression and morale.

Major achievement

Staff take action

Our new grants management system changed the way in which staff performed their work, causing some difficulties from increased reliance on computers. In June 2009, the CEO approved an independent OH&S risk assessment of the introduction and operation of the new system. The report was made available in December 2009.

In early 2010, Grants established an OH&S Sub Committee to consider the recommendations of the report and implement suggested strategies.

Achievements include an ergonomic assessment resulting in new equipment that will help prevent workplace injury, and new strategies to minimise eye fatigue and repetitive work strain.

Grants Division OH&S Sub-Committee, from L to R: Alisi Kaleti, Dora Dimos, Rosa Ranieri, Amanda Shepherd, John Truswell, Dennis Doyle, Irene de Castro-Patterson, Vanessa Caruana, Rae Cameron and Steven Doumit.



Workers compensation

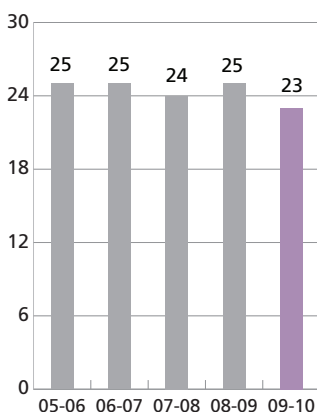
Of the 33 workers compensation claims lodged in the 2009-2010 reporting period, four of the injuries occurred in the 2008-2009 reporting period. Figures and costs incurred by these four claims have been included in the 2009-2010 figures.

Of the total 33 claims lodged in the 2009-2010 reporting period, 32 claims were accepted. One claim was initially accepted under provisional liability, however declined following pre-liability investigation.

The cost incurred to 30 June 2010 of new claims reported in 2009-2010 was \$242,728 compared to \$155,074 in 2008-2009, an increase of \$87,654.

The number of accepted claims (includes claims accepted under provisional liability), increased from 29 in 2008-2009 to 32 in 2009-2010.

TOTAL STAFF INJURIES/ ACCIDENTS 5 YEAR TREND



Of the accepted claims in this reporting period, there were 12 fall/slip and 13 body stress (e.g. repetitive strain injury) claims amounting to \$113,419 or 46.73% of the total cost of claims.

There was a decrease in claims relating to psychological injuries from eight in the 2008-2009 reporting period to five in the

current reporting period. Of the five claims, one claim was not accepted and three claims were initially accepted under provisional liability. Following pre-liability investigation of these three claims, two claims were accepted as ongoing claims and one claim was declined.

Two of the five claims lodged were due to alleged bullying and intimidation. One of these claims has been thoroughly investigated and comprehensive action has been taken to address the issues. Action is being undertaken for the other claim to address the issues identified as the cause.

Costs incurred by these claims amounted to approximately \$126,105 or 51.95% of the total cost of claims for 2009-2010. This equates to an average claim cost of \$293 per staff member compared to \$188 per staff member in 2008-2009.

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.

The total number of reported 'Incident Only' reports has decreased slightly from 25 in 2008-2009 to 23 in 2009-2010.

Record of workers compensation claims

Type of claims	No of claims for 2008-2009	No of claims for 2009-2010
Workplace	16	17
On duty (not at workplace)	5	6
Journey	12	8
Recesses – lunchtime & authorised breaks	2	2
Total claims lodged	35	33
Total claims accepted	29	32
Total claims not accepted	-	1
Total claims withdrawn	1	-
Claims declined	5	1

Work related incidents

Type of injury/incident	No of reports for 2008-2009	No of reports for 2009-2010
Workplace	10	7
On duty (not at office)	5	3
Journey	5	10
Recesses – lunchtime & authorised breaks	5	3
Total injuries/incidents	25	23

Year ahead

Implement recommendations made by the Mental Health and Wellbeing Working Group and Grants Division OH&S Sub-Committee.

Key challenge

Effectively address emerging issues relating to mental health and wellness across the organisation. The findings of independent reviews will help us to achieve this.

EEO achievements

Key initiatives included:

- surpassing the Aboriginal employment target of 4.5%;
- increasing the rollout of Aboriginal Cultural Awareness Training; and
- implementing recommendations from the Disability and Multicultural Action Plans (see the Appendices).

Major achievements

PRIORITY 1: SOCIAL INCLUSION

We achieved our target of increasing the percentage of Aboriginal employees to 4.6%, up from 3.3% last year (well above the minimum government target of 2.6% for Aboriginal employment in the public sector by 2015). Legal Aid NSW now employs 38 (37.5 FTE) Aboriginal people, 30 in administrative roles and eight lawyers.

Under the Judge Bob Bellar Pathways to Legal Careers Program, two new legal cadets were employed in the Wollongong and Gosford offices, bringing the total of cadets to four, and four scholarships were provided to high school students to help them complete year 12.

Aboriginal staff attended two network meetings where they learned new skills and were briefed on key projects.

Year ahead

Increase our Aboriginal workforce from 4.6% to 5% by June 2011.

Learning

FACT FILE

- 4,734 course attendances
- 2,688 staff and 1,073 external partners attended 267 seminars, workshops and conferences
- 640 new online users

Major achievements

PRIORITY 1: SOCIAL INCLUSION

Our Aboriginal cultural awareness training program entered its third year. The training helps ensure the workplace remains culturally sensitive and services are delivered in a culturally appropriate manner.

Our target is to provide training to 15% of staff each year until 2011. In 2009-2010, 12 workshops were held at Central Sydney, Parramatta, Campbelltown and Burwood, attended by 133 Legal Aid NSW and partner agency staff, representing 14.6%. Staff have evaluated the training highly, finding it provides practical knowledge that is easily applied to the workplace.

We provided Aboriginal cultural awareness training to 14.6% of staff, close to the 15% target.

Demystifying Mental Illness training skilled staff to work with clients with a variety of mental illnesses. It was run four times this year, making a total of 45 times since first introduced in 2003.

Young Aboriginal women from country areas were successful in winning all four of the Legal Aid NSW scholarships on offer this year. Celebrating at the Nanga Mai Awards in April 2010 are L to R: Stephanie Burton, Tamika Murphy, Jessica Maher and Aloma Simpson-Lyons.



PRIORITY 3: INTEGRATED SERVICES

Staff learning opportunities are being promoted more widely across all practice areas to encourage participation by staff from across jurisdictions. Wider promotion and adoption of ‘blended’ learning strategies improves service provision, enhances career development for all staff and is in line with the Corporate Plan.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

Our Learning Management System (LMS) welcomed 640 new users this year, taking total users to 1,743. While most are employees, there are over 200 community legal centre staff, 37 Family Relationship Centre staff and over 200 people from other legal, community or public sector agencies.

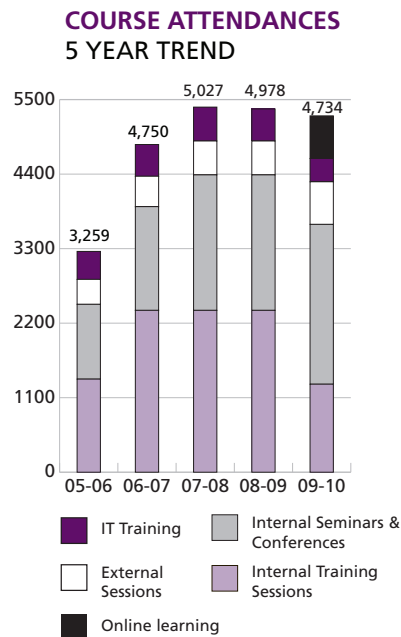
Over the year we developed 40 new online courses. There are now 50 eLearning modules available on a wide range of topics including legal issues, the effective referral of clients and records management.

Staff completed 629 online courses, accessing material that helped them in their jobs and also met professional training and development requirements.

Modules increased awareness of the diverse needs of our clients with video and pod casts covering topics such as *Dealing with Clients with Intellectual Disability*, *Rethinking the Defence of Mental Illness*, *Homelessness and Human Rights*, and *Older People and Assessing Capacity*.

Feedback about the efficiency and responsiveness of the LMS from users has been extremely positive. The LMS has also increasingly been used to promote and manage registrations for mandatory continuing legal education (MCLE), library and research skills training, wellness initiatives and to publicise events such as the launch in December 2009 of the new Community Legal Education resource, *The Justice Maze*, a DVD for families of people who have been arrested, are facing trial and may go to gaol.

Throughout 2009-2010, a total of 206 corporate training programs (both face-to-face and online) were completed by 2,031 learners from Legal Aid NSW and our external partners (see the table on this page for a full breakdown of training activities). The inception of eLearning has inevitably led to some reduction in face-to-face sessions but the audiences we are reaching are growing and uptake is expected to rise further when greater access to our learning and development activities is provided to private lawyers in 2010-2011. Seventy five percent of participants in Legal Aid's first Diploma of Management course, offered in partnership with UTS, completed the course by the end of the year. The remainder are expected to complete it by October 2010 when the group will graduate. The move towards a blended learning approach to corporate induction continued with an introduction to IT becoming



NOTES

Online learning has been enthusiastically adopted, with some reduction in face-to-face sessions as a result.

This financial year includes two criminal law conferences, increasing numbers by 407.

There has also been a substantial increase in family law training seminars, particularly for external partners in legal service delivery.

the latest session to move to an online format. The practice areas have similarly put a significant amount of their induction material into an online format improving effectiveness and flexibility in inducting new lawyers.

In response to staff requests and to fulfill a commitment in the Disability Action Plan, four workshops looking at accessibility, flexibility and inclusiveness in both service provision and as an employer were conducted. The Australian Employers' Network on Disability was engaged to present these sessions for Legal Aid NSW staff; 42 people attended.

Completing a regional office roll out of *Cross Cultural Awareness and Interpreter Use* that began in 2008 and offering an opportunity for refresher training, we conducted four more sessions in Lismore, Orange and Central Sydney; 38 staff participated.

The Respectful Workplace was run six times for 69 staff, meeting our legislative responsibilities and addressing issues around workplace change for the Grants Division. Next year will see further training in this area including workshops for managers and eLearning applications.

A series of workshops were held for lawyers and Family Relationship Centre mediators on the legally assisted mediation model.

We increased the number of seminars our lawyers provided to other agencies in the areas of independent children's lawyers, care and protection and child support.

Year ahead

Deliver 12 Aboriginal cultural awareness workshops in regional and metropolitan locations.

In line with social inclusion initiatives, increase domestic violence education and conduct training about the legal needs of emerging communities and making better referrals.

Adapt online content to meet the needs of private lawyers.

Expand online content to assist our own staff to do their jobs more effectively, and in particular, focus on the needs of Legal Support Officers.

Key challenge

Meeting the learning and development needs of all staff and external partners in a time of competing priorities and limited resources.

Policy and review

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

Major achievements

PRIORITY 3: INTEGRATED SERVICES

Legal Aid NSW implemented the public sector wide e-recruitment system, which went live in June 2010. The new system will allow the recruitment process to become paperless and more time efficient. All business processes and documentation in relation to recruitment and positions are being reviewed as part of that. To allow staff to train and work across traditional program boundaries, Human Resources Management drafted a Job Rotation Policy that will be implemented early next year. A framework to facilitate opportunities for legally qualified administrative staff to act in legal officer positions was developed and implemented.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

Our Performance Planning and Development system is under review and extensive consultation with key stakeholders has commenced. The pilot and re-launch will take place next year. We undertook a major update of the Manual of Administrative Delegations. The Manual, with an accompanying set of temporary administrative delegations arising from the Savings Implementation Plan required by the Department of Premier and Cabinet in response to the Public Sector Salaries Award, will be issued early next year.

The Code of Conduct was not modified this year.

Service reviews that will have implications for our staff are included on pages 53–54.

Year ahead

Fully implement the public sector wide e-recruitment system.

Re-launch a revised performance planning and review system.

Key challenge

Support the implementation of the corporate services reform agenda being implemented across the public sector.

Employee relations

Staff served on various internal committees (see full list in the Appendices).

Legal Aid NSW implemented a Savings Implementation Plan (SIP), to identify and implement reforms as a result of the State wage rises in 2008, and included ongoing consultation with the Public Service Association.

Professional and personal achievements

Three family lawyers and one criminal lawyer gained Specialist Accreditation from the Law Society of NSW, bringing our total of accredited lawyers to 65.

Three criminal lawyers were appointed Magistrates of the Local Court of NSW – Teresa O’Sullivan, Albert Sbrizzi and Estelle Hawdon.

Criminal lawyer Catriona Cotton was awarded a Hennessy Scholarship to study alternative court service models in Victoria.

Two Aboriginal mediators from the Family Dispute Resolution (FDR) Unit – Bronwyn Penrith and Frank Edwards – were awarded scholarships to complete graduate diplomas in FDR.

The Government Law Group won a humanitarian award for providing legal services to asylum seekers, given by the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors and the Refugee Council of Australia.

Louise Sutherland received the Media Award at the Australian Youth Law Awards for her work in developing the educational film *BURN* as a crime prevention initiative for young people.

Celebrating the Media Award – Alan Kirkland (CEO, Legal Aid NSW), Frank Zipfing (Chairman, Mallesons Community Board), Louise Sutherland, The Hon Catherine Branson QC (President of the Australian Human Rights Commission), Brian Sandland (Director, Criminal Law, Legal Aid NSW), Simon Moran (Chair, National Children’s and Youth Law Centre).



Celebrating 30 years of legal aid



Past and present staff from Inner City Local Courts celebrating Legal Aid's 30th birthday.

Photo: Dani Pontes

Legal Aid NSW hosted a 30th birthday celebration on 5 November 2009.

Almost 400 staff, friends and colleagues flocked to the first working gaol in NSW – the Cell Block Theatre to recollect and rejoice. Milestones from our 30-year history were outlined by the Hon John Hatzistergos in his keynote address. The celebrations drew reflection from people about why they choose to work at Legal Aid NSW.

Mark Zaki local courts lawyer, Newcastle

"I may not 'win' every day, but it's not about 'winning'. It's about my duty to my client, my duty to the court, being ethical and professional in my practice, and acting with integrity."



Mary Whitehead, business development team

"Over the years much has changed in Legal Aid. We've become a much more modern and accountable organisation with a Corporate Plan and business rules. At its core though, Legal Aid remains committed to assisting disadvantaged people to deal with their legal problems and that's what gives us our strength."

Monique Hitter, director civil law

"Legal Aid is an organisation built on bravery not bravado. It relies heavily on the skills, integrity and hard work of its staff and is rewarded in doing so. Legal Aid is an extraordinary organisation. It has the people it serves at the heart of everything it does. We roll up our sleeves and do the work that needs to be done."



CELEBRATING CELEBRATING CELEBRATING CELEBRATING CELEBRATING
30 YEARS OF LEGAL AID 1979-2009
30 YEARS OF LEGAL AID 1979-2009
30 YEARS OF LEGAL AID 1979-2009
30 YEARS OF LEGAL AID 1979-2009

Teresa O'Sullivan, solicitor advocate in coronial inquests

(sworn in as a Magistrate on 30 November 2009)

"Now, more than ever, there is scope to help the people that need us the most. The fact that we are revising our policies on access to aid based on evidence of social exclusion instead of just whether someone has money or not is actually quite groundbreaking. So is recognising that our clients often have multiple and complex needs that don't always fit neatly into one box. This is exciting stuff and Legal Aid NSW is part of it."



Dora Dimos, manager, professional practices

"As long as our clients continue to be central to what we do and how we do it, Legal Aid will be able to meet the challenges that lie ahead."



Rob Wheeler, mental health advocate

"The rigor and independent scrutiny that we bring to decision-making and law reform, ensures our clients are identified and acknowledged by the justice system."



David Fenech, manager, administrative services

"I take special pride in managing the "greening" of Legal Aid. Carbon neutrality is our next step by 2020. I hope to be here then, celebrating our 40 year anniversary and reporting on many successful green achievements."

Wendy Kilroy, office manager, Lismore

"I am very proud of the achievements of Legal Aid in general and Lismore office in particular for their selfless and tireless work in providing legal services to our community."



Wayne Gale, director information technology

"Legal Aid has relied on information technology throughout its 30-year history. Our technology solutions have become more innovative over the years. The future looks very exciting as we integrate systems with other justice sector agencies."



Organisational systems

Continuous improvement

Strong systems and processes made us more efficient and helped us to reach our Corporate Plan goals, resulting in better services for clients.

Major achievements

PRIORITY 3: INTEGRATED SERVICES

Two major upgrades were made to the grants management and Grants Online systems. These upgrades remedied a number of outstanding defects which had been making it harder for staff to provide an effective service to lawyers and clients.

Feedback from private lawyers and staff was essential to this process. For example, a change was introduced to copy court details from the initial grant to the web form requesting an extension of the grant, saving lawyers from having to re-enter this information.

Cross-divisional forums proved highly successful in identifying and resolving systems issues for the in-house practice, as well as for private lawyers.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

During the year the results of an in-house survey on costing our services were analysed. The survey provided, through a system of weightings, a split of our total cost to a set of defined services. The survey provides a “line in the sand” in-house cost position and a number of recommendations have been made to implement an efficient, effective and reliable in-house costing system.

Year ahead

Upgrade the grants management system so that lawyers can access Grants Online functions from their mobile telephones.

Develop a policy on how we cost our in-house services into the future.

Key challenge

Developing measures of successful outcomes for clients of Legal Aid NSW, consistent with the new National Partnership Agreement.

Records management

The Records Disposal Program set a target in March 2009 to assess 25% of records at offsite storage for destruction.

In 30 June 2009, there were 121,000 boxes in storage. By 30 June 2010, the unit had assessed more than 32,000 boxes (27% of the total) and identified nearly 24,000 boxes for destruction, saving \$117,000 in annual storage costs.

Further improvements were achieved by rolling out electronic recordkeeping and online training in TRIM – the corporate record-keeping system of Legal Aid NSW. In the last 12 months, over 4,000 archive boxes have been created compliantly in TRIM. Over 12,000 electronic documents were captured as records in TRIM since the roll-out. Our goal for 2010–2011 is to assess 10% of the remaining records collection in off-site storage.

Service reviews and evaluation

Reviews help us to evaluate our services and plan better for the future. The outcomes of each review are evaluated against the Corporate Plan priorities of social inclusion and integrated services.

This year, 12 service delivery reviews were commissioned or completed.

Major achievements

PRIORITIES 1 & 2: SOCIAL INCLUSION AND ACCESS TO JUSTICE

A Homeless Persons’ Legal Service (HPLS) pilot was conducted from June 2008, targeted at homeless people facing criminal law matters who have difficulty accessing mainstream Legal Aid NSW services. The pilot provided special provisions for grants of aid to clients represented by the HPLS Advocate, based at the Public Interest Advocacy Centre.

An evaluation completed in April 2010 found that the pilot was successful in diverting homeless people from the criminal justice system, which suggests that it may have led to some savings for the justice system more broadly. As a result of the findings, Legal Aid NSW developed more flexible policies and strategies to better meet the legal needs of homeless people.

A review of the Older Persons’ Legal and Education Program, established in 2008, found it was an excellent service, meeting the legal needs of older people. Many of the 39 recommendations propose formalising existing arrangements and reinforcing the successes to date.

Completed in February 2010, a review of the Central Sydney Civil Law Advice Service identified areas where we can provide a better service. Recommendations include improvements that will ensure the civil law practice is serving communities most at need. A working committee will implement the recommendations as part of a broader social inclusion project (see page 14).

Office systems

PRIORITY 3: INTEGRATED SERVICES

The final recommendations of the 2008 review of learning and development were implemented, including improving the way we manage training budgets.

Final recommendations were rolled out from a 2008 review of in-house library services, including:

- a formal agreement to provide a reference service for cases and legislation relevant to court matters to staff from the Aboriginal Legal Service and Community Legal Centres;
- an agreement with all major law publishers to ensure that Legal Aid NSW has the best possible financial advantage in negotiating library subscriptions; and
- upgrading the library management system to meet the demand for a more flexible and user-friendly library catalogue.

A review of Office Manager and team leader positions, including development of an updated position description, was completed for consideration by the CEO.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

A review of our Family Dispute Resolution services was completed in May 2010.

A number of 'engine room' services were reviewed, including the helpdesk and mailroom services. Recommendations for improving mailroom services were implemented.

A review of Advocates employed by Legal Aid NSW was submitted to the CEO on 30 June 2010.

The CEO commissioned a review of issues impacting on staff wellbeing in the criminal law practice, particularly in relation to stress, mental health and depression. This will be completed in 2011.

The Legal Support Officer review was finalised and recommendations were presented to the CEO and Executive. A new position was established in Central Sydney to assist Legal Support Officers with career development and training and to ensure consistent work practices across all offices.

Year ahead

Implement recommendations from reviews.

Undertake a review of the Human Resources Branch and a review of our senior management structure.

Key challenge

Ensuring that the benefits of reviews endure beyond the period of initial response and implementation.

Resourcing staff

Legal Aid NSW relies strongly on its 542 administrative staff, in particular Grants staff, Legal Support Officers and Office Managers. Their challenge is to provide consistent and up to date support to clients and lawyers and we provided new resources to support them.

Major achievements

PRIORITY 1: SOCIAL INCLUSION

New Legal Support Officer manuals across the three program areas provide staff with all the information they need about policy and procedures. The family law manual was completed and training rolled out to all offices by February 2010.

PRIORITY 3: INTEGRATED SERVICES

A set of standards was established as benchmarks for the training needs of Legal Support Officer and Office Managers.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

Training is vital to the ability

of Grants staff to interpret and apply data, so that they are able to make more informed decisions about the administration of grants of legal aid within budget constraints. Training commenced this year but further training is required.

Tipsheets helped Grants staff negotiate the new grants management system; and training and support continued to be provided.

A working party made recommendations on the method of determining the ratio of Legal Support Officer positions to lawyer positions across the legal practices.

Year ahead

Review practice manuals in all programs to assess the practical application of "social inclusion" in accordance with policy development.

Roll out training sessions for the criminal and civil law manuals for Legal Support Officers and develop an Office Managers Manual.

Introduce a Manager Induction Program for new Office Managers and compulsory training guidelines for all Legal Support Officers.

Key challenge

To ensure that managers implement minimum training requirements for support staff as recommended in the benchmark training guidelines.

Technology

Information technology played a key role in assisting the organisation to deliver better services, and to achieve Corporate Plan priorities.

Major achievements

PRIORITY 2: ACCESS TO JUSTICE

Intranet and internet

Legal Aid NSW launched a new intranet based on the Microsoft SharePoint platform. The

platform provides Legal Aid NSW staff with core intranet services as well as a broader platform for online collaboration.

A new content management system was selected as a platform for redeveloping the Legal Aid NSW internet site so that work could commence. Proposed improvements include better access to information for disadvantaged communities, including people with disabilities and people speaking languages other than English.

PRIORITY 3: INTEGRATED SERVICES

Joined Up Justice

Following the announcement of public service reforms across the NSW Government in July 2009, Legal Aid NSW worked closely with other agencies within the Justice and Attorney General cluster to identify information technology initiatives for collaborative development.

Joined Up Justice is a justice sector wide project led by the Department of Justice and Attorney General to integrate data across business systems throughout the justice sector. Legal Aid NSW commenced work on this two-year project to integrate its case management and grants management systems with JusticeLink, the primary system managing dealings in the state courts. Once implemented, this project will result in the timely provision of court data directly into Legal Aid NSW systems, and significantly reduce the level of manual data entry by our staff.

We worked closely with the Office of the Director of Public Prosecutions in relation to the Joined Up Justice project. A joint project team was established to facilitate the Joined Up Justice development across both agencies.

Once again, Victoria Legal Aid remained a close business partner as work continued on the ATLAS grants management system. This

was the first full financial year of operation of ATLAS within Legal Aid NSW following a number of years of system development partnered with Victoria Legal Aid.

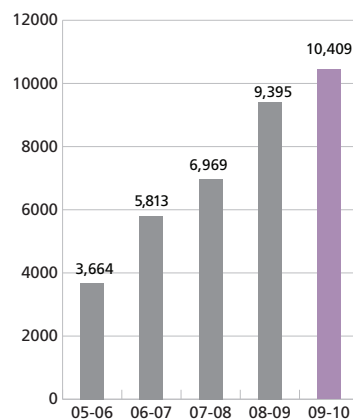
Audio-visual links

All of our regional locations now have video equipment connected directly to our wide area network, allowing us to progressively remove redundant communication links, achieving significant costs savings.

A pilot of video conferencing direct from staff members' desktop PCs to external parties, particularly to prisoners in gaols, has commenced, resulting in significant time savings.

Staff increased their usage of audio-visual link (AVL) services: 10,409 AVL conferences were held this year, compared with 9,395 last year and 3,664 in 2005-2006.

AVL CONFERENCES HELD
5 YEAR TREND



Records management

More work was done to integrate our corporate records system TRIM with our core business systems used for grants management (ATLAS) and case management (CASES) as well as with our Microsoft SharePoint implementation hosting the Intranet and broader internal collaboration. When complete,

Legal Aid NSW will have an integrated compliant records management system across all its core business systems.

IT service management

Through the year the Information Technology Services Branch continued to standardise IT processes around the Information Technology Infrastructure framework. A new service management system was implemented to manage incidents, service requests and changes to IT systems. The scope of this has initially been within the Information Technology Services Branch, with other support areas planned to use the system in the coming year.

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

Infrastructure

Our IT disaster recovery and core storage facilities were significantly upgraded in 2009-2010. We have the ability to quickly restore operations in the event of an unexpected interruption to our key business systems.

Investment in new multi-function devices throughout Legal Aid NSW will provide staff with efficient printing, copying and scanning equipment well into the future. The new equipment has a significantly lower overall running cost against the standalone copiers and printers replaced this year.

Library

The in-house library management system was upgraded, increasing its capacity to meet the growing needs of users.

Social media

Our policies about use of email and the internet were reviewed to reflect the growing need for staff to access social media tools in both a professional and personal capacity.

Year ahead

Integrate our case and grants management systems with JusticeLink, with full implementation during 2011.

Work with the Department of Justice and Attorney General and other agencies to facilitate cross-sector technology and business application initiatives, particularly more cost effective inter-agency video conferencing.

Upgrade core business systems and replace our telephone systems.

Improve presentation facilities for new corporate reporting systems.

Launch a new internet site.

Key challenge

In a climate of cost restraint in information technology expenditure across the NSW Government, our challenge will be to provide improved systems in a more efficient manner.

Office enhancements

PRIORITY 3: INTEGRATED SERVICES

Our Central Sydney offices (levels 3, 17 and 20) were extensively refurbished, providing improved working environments in family, civil and policy areas. Expanded facilities will help to accommodate the 4% increase in the number of people attending our Central Sydney office and improve integrated service delivery.

We provided new facilities for people with disabilities including an electronic automatic door and an accessible toilet on level 20. Replacing the perimeter air conditioning achieved a quieter environment on levels 3, 8 and 20.

Environmental management

How we reduced our environmental footprint this year

Goal	Target	Achievement
Reduce electricity consumption	Reduce standalone printer numbers by 75%. Install energy efficient lighting to Central Sydney office.	Multifunction device rollout in progress. Lighting upgrade completed in Central Sydney office, reducing our carbon footprint by an additional 7 tonnes of CO2 emissions over the next year.
Reduce paper purchasing by 10% (main WRAPP* goal)	10% by 2010	15.7% by September 2009
**NABERS Building Energy Rating for Central Sydney office	4.5 / 5 by 1 July 2011 (NSW Government Target, where feasible for offices over 1000 m ²)	Our building has a 3/5 rating as at December 2008. Government target can be achieved with increased green power and other green initiatives in process.
Green electricity purchasing	6% by 2009 (NSW Govt target)	Increased from 7% to 10% in 2009 and to 15% by 2010-2011.
Increase E10 fuel consumption	20% from 2007	Increased from 16% in 2008 to 28% in 2009.
Increase vehicle Environmental Performance Rating (EPR)	12/20 by 2009-2010 (NSW Govt target)	Increased from 12.5% to 13.2% 2009-2010
Carbon neutrality	Carbon neutral operations by 2020 (NSW Government target)	All of the above in process.

*Government Waste Reduction and Purchasing Policy.

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

Year ahead

Increase our green rating.

Launch a 'green' intranet page to engage staff in sustainability initiatives.

Key challenge

Engage more property owners to manage recycling and green initiatives in the buildings that house our regional offices.

The changeover was challenging and required out of hours work by staff and collaboration from everyone involved.

A new regional office fit out at Orange provides excellent conference and interview facilities. Our business continuity plan was tested successfully at Fairfield when the emergency plans were used to move staff to temporary accommodation with minimal impact on client services.

We installed 110 multifunction machines at 34 locations state wide. These will better support staff with their busy workloads.

Year ahead

Improve facilities at Central Sydney. Review Wagga Wagga and Nowra regional offices, supporting staff to provide more integrated services, in alignment with the Corporate Plan.

Key challenge

Balance the needs of staff and ensure their safety, providing minimal disruption whilst working onsite to improve office space and amenities.

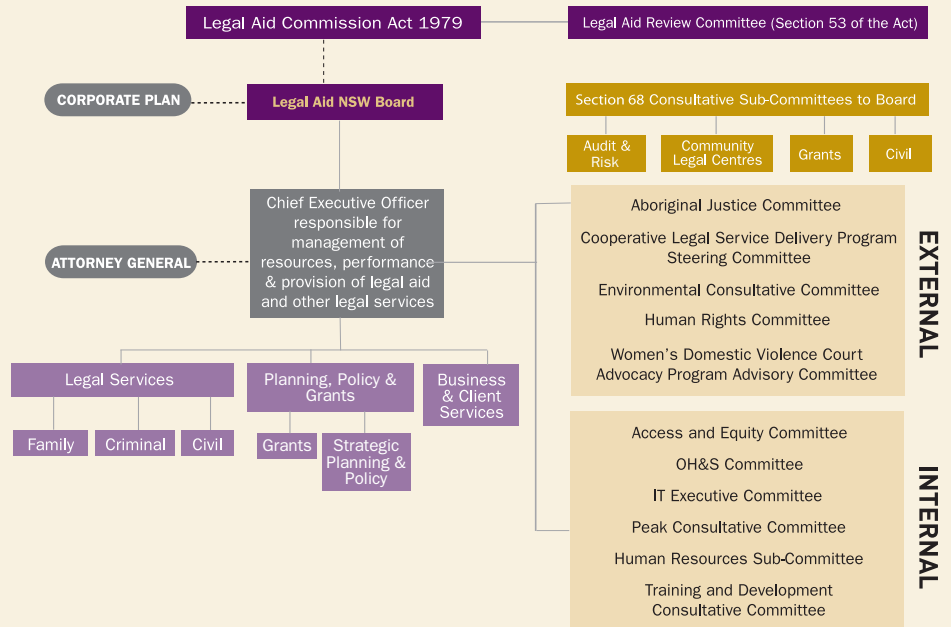
Governance

Achieving our goals
in an effective and
ethical manner

SECTION

4

CORPORATE GOVERNANCE FRAMEWORK



Our corporate governance framework guides us in fulfilling our legislative objectives and ensures we honour our commitment to the community. Legal Aid NSW continues to monitor and review its organisational structure to make sure that it is most effective to meet future aims and directions.

Major achievements

Welcomed a new Board in November 2009 (pages 58–59)

Amended the civil law policy so that patients seeking aid for an appeal to the Mental Health Review Tribunal will not be required to satisfy the means or merit test (page 58)

Upgraded our Information Technology disaster recovery site (page 64)

Introduced a new two-year Corporate Plan (page 62)

Established the Audit and Risk Committee (page 63)

Established a new Family Law Legal Aid Review Committee (page 66)

In this section

Board achievements	58
Board members	59
Organisational chart	60
Directors	61
Governance framework	62
Legislative compliance	64
Privacy	65
Public accountability	66

Legal Aid NSW Board

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

The Board of Legal Aid NSW comprises of part-time members including the Chair, and one full-time member, who is the Chief Executive Officer of Legal Aid NSW.

As at 30 June 2010, there were eight part-time Board members. Part-time Board members are appointed by the NSW Attorney General for a maximum of three years.

The term of the previous Board expired in October 2009, and a new Board was appointed from November 2009.

Major achievements

The Board approved a number of changes and amendments that are aligned with the Corporate Plan priorities of social inclusion and access to justice. These included:

- approving an amendment to the civil law policy so that a person appealing under s44 of the *Mental Health Act 2007*, and who has not appeared before the Mental Health Review Tribunal for a mental health inquiry, will not be required to satisfy the means or merit test;
- amendments to the contributions policy so that an initial contribution is not imposed in Local Court summary matters where the legally assisted person is in custody and has an assessed initial contribution of \$75;
- clarifying the coronial inquest policy so that aid is available for certain ancillary matters;
- creating a domestic and family violence corporate policy and implementing recommendations of the domestic and family violence strategy;
- creating a new Legal Aid Review Committee to respond to the increase in the number of appeals received in family law matters;

- amending policy for applications and appeals relating to post conviction orders where the conditions of the proposed order would unreasonably restrict applicants' personal freedom;
- reviewing policy on provision of aid in restorative justice programs;
- amending the consumer protection policy following the introduction of the *National Consumer Credit Protection Act 2009*; and
- amending policy to support alternative dispute resolution in care and protection matters.

There were no emergency decisions or extraordinary measures taken during the year.

Meetings of the Board

In September 2009, the frequency of meetings was revised, and six meetings are now scheduled for each calendar year. Eight meetings were held in 2009-2010.

Finance and budget matters took up approximately 25% of the Board's time; strategic matters about policy, planning, law reform, 45% and governance matters such as risk assessment 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 Legal Aid NSW at meetings with other organisations. The rates of remuneration are \$3,370 per annum for members and \$28,080 per annum for the Chair.

The Chair of the Audit and Risk Committee is also paid an additional \$2,527 for chairing this committee. No fees are paid to members who are salaried government employees or who elect to forego payment.

Committees

The Board is advised on specific matters by a number of committees. These include the Audit and Risk Committee, which advises on budgetary and internal audit matters. Details of these committees are included in the appendices.

In 2010, Mary Macken became the new Chair of the Grants Sub-Committee whilst John Bordon joined the Board Audit and Risk Committee. Rev Harry Herbert continued to chair the Community Legal Centres Sub-Committee. Andrea Durbach chaired the Civil Law Sub-Committee. Maria Girdler was a member of the Civil Law Sub-Committee, the Community Legal Centres Sub-Committee and the Women's Domestic Violence Court Advocacy Program Advisory Committee.

Year ahead

Oversee the rollout of new initiatives under the National Partnership Agreement on Legal Assistance Services.

Board members who served, but are not pictured:

Phillip Taylor BA LLB, Solicitor – appointed by the Attorney General as Chair (until 30 October 2009). (3)

Sara Blazey BA (Hons) Law, Solicitor – representing bodies providing community legal services (Alternate: Maria Girdler attended 2 meetings as alternate) (until 30 October 2009). (2)

Geoff Lindsay BEc LLB (ANU) SC, Barrister – nominated by the NSW Bar Association (Alternate: Phillip Boulten SC) (until 30 October 2009). (3)

Jack Grahame Solicitor, Legal Aid NSW – nominated by the Labor Council of NSW (until 30 October 2009). (4)

Pauline Wright BA LLB – nominated by the Law Society of NSW (Alternate: Hugh Macken) (until 30 October 2009). (1)

Linda Webb OAM, BA, FAIM MAICD – appointed by the Attorney General (until 30 October 2009). (2)

Board members

Hon Peter Collins AM RFD QC BA LLB (Syd) (commenced 9 November 2009)

Appointed by the Attorney General as Chair. Peter was a member of the New South Wales Legislative Assembly for more than 22 years, during which he held the senior portfolios of Attorney General, Health and Treasury (and three other Ministries) after which he was Leader of the Opposition.

While at Sydney University Law School, he was a Professional Assistant with the Commonwealth Attorney General's Department and later after admission to the NSW Bar became a founding member of Edmund Barton Chambers where he practised for three years before entering Parliament.

He has also served as a Navy Reserve Lawyer since 1992, twice as Fleet Legal Officer, and in 2007 served in Baghdad, Iraq, leading an Australian Defence Force legal team.

He serves on several boards in the public, non-government and private sectors. (3)

Alan Kirkland BA LLB MBA (Exec)

Appointed by the Attorney General as Chief Executive Officer in 2008 (see page 61 for biography). (8)

Rev Harry Herbert BA BD STM Dip. **Legal Studies**

Appointed by the Attorney General to represent community and consumer interests. Harry is Executive Director of UnitingCare NSW, ACT. He also chairs the NSW Responsible Gambling Fund and is Co-Chair of the AGL Customer Council, and is a member of the Boarding House Expert Advisory Group. He is the longest serving member on the Board. (7)

Philip Bickerstaff MCom

Phillip retired from the NSW Public Sector in 2005 after 37 years, 29 of those with NSW Treasury. He was appointed to the Board in 2005 and chairs the Board's Audit and Risk Subcommittee. He is also a member of the Board of the Festival Development Corporation, Ryde Family Support Service and Fairfield Community Resource Centre. (8)

Andrea Durbach BA LLB, DipLaw (SAB, USyd)

Andrea is Associate Professor at the Faculty of Law, UNSW and Director of the Australian Human Rights Centre. Before that, she was Director of the Public Interest Advocacy Centre and Coordinator of the Public Interest Law Clearing House. She is also Chair of 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. (5)

John Bordon BA LLB (Syd) LLM(UNSW) (commenced 9 November 2009)

John is nominated by Unions NSW. In the past he has held a number of positions on the staff of Legal Aid NSW. Currently he is a senior member of the Consumer Trader and Tenancy Tribunal. He has also served on a number of other bodies including the Serious Offenders Review Council and the Immigration Review Tribunal. (3)

Ian McClintock SC BA LLB (UNSW) (commenced 9 November 2009)

Nominated by the NSW Bar Association, Ian practises as a barrister principally in criminal law. Ian was involved in the first years of establishing Redfern Legal Centre. He worked as a Legal Aid lawyer in the 1980s and in the Attorney

1 July 2009 to 30 June 2010

General's Department in the Criminal Law Review Division before returning to Legal Aid and then going to the bar. He is a founding member of Forbes Chambers which specialises in criminal law. (4)

(Alternate: Phillip Boulten SC)

Maria Girdler BA LLB (UNSW) (commenced 23 November 2009)

Nominated by Community Legal Centres NSW, Maria is the Manager of Macquarie Legal Centre, and has held this role for 12 years. Before that she worked at Macarthur Legal Centre for two years.

Maria has held various roles at the Anti-Discrimination Board, the Human Rights Commission, the Department of Prime Minister and Cabinet and a number of State and Federal government departments. (4)

(Alternate: Patrick O'Callaghan)

Mary Macken MA LLM (Syd) FAICD (commenced 9 November 2009)

Nominated by the Law Society of NSW, Mary is the President of the Law Society of NSW and a practising solicitor in NSW, England and Wales.

Mary initially specialised in the commercial property field. Since then, her roles have included Manager of Legal Services, Landcom and Corporate Counsel, State Transit Authority (Sydney Buses). Mary is a member of the Women Lawyers Association of NSW, the Australian Lawyers Alliance and the City of Sydney Law Society. (3)

NOTE

Numbers in () indicates number of meetings attended in 2009-2010. Past Board members are listed on page 58.



New Board members attended their first meeting in February 2010 – Back L to R: Alan Kirkland (CEO), Ian McClintock, Phil Bickerstaff, Reverend Harry Herbert, John Bordon; Front L to R: Mary Macken, Maria Girdler, Peter Collins (Chair), Andrea Durbach.

Organisation chart

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

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

Family Law Kylie Beckhouse, Director

Advocates
 Care and Protection
 Child Support
 Family Dispute Resolution
 Family Litigation
 Central Sydney office and 20 regional offices

Criminal Law Brian Sandland, Director

Advocates
 Appeals
 Children's Legal Service
 Committals
 Drug Court
 Indictable
 Inner City Local Courts
 Prisoners Legal Service
 Central Sydney office and 19 regional offices

Civil Law Monique Hitter, Director

Coronial Inquest Unit
 Mental Health Advocacy Service
 Veterans' Advocacy Service
 Civil Litigation
 Central Sydney office and 13 regional offices

Library

Regional & Central Sydney Administrative Coordinators

Client Assessment and Referrals

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

Client Services
 Operations
 Project Management Office
 Software Development

Operational Support

Client Services
 Facility Management
 Fleet Management
 Property
 Procurement
 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

Communication, Information, Education & Business Reporting

Access and Equity
 Business Reporting
 Community Legal Education
 Internet/Intranet Content Management
 Publications

Community Legal Centres Program

Cooperative Legal Service Delivery Program

Legal Policy

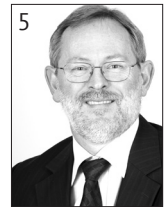
Legal Service Development

Women's Domestic Violence Court Advocacy Program

Business Development Team

GRANTS Annmarie Lumsden, Director

Civil, Family and Criminal Legal Units
 Grants Support Desk
 Operations
 Professional Practices



Directors

- 1 ALAN KIRKLAND** BA LLB MBA (Exec)
Chief Executive Officer (SES Level 6)
Budget Total: \$205.5M
Staff: (EFT) 827.8 Total Actual: 909
Alan was appointed in July 2008. Before that he was 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.
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).
Alan's current committee membership appears on page 134.
This year, Alan played an important role in the negotiation of the new National Partnership Agreement on Legal Assistance Services.
The Attorney has indicated his satisfaction with the CEO's performance. A performance statement appears on page 134.
- 2 STEVE O'CONNOR** Dip Law (BAB) Dip Crim
Deputy CEO Legal Services (SES Level 4)
Budget Total: \$78.6M
Staff: (EFT) 146.35 Total Actual: 171
Steve was appointed 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 civil, criminal and family law practices
Steve has helped to negotiate a pilot to employ Aboriginal field officers, and achieved budget savings and efficiencies, achieved in partnership with external partners.
- 3 RUSSELL COX** BComm
Deputy CEO Business and Client Services, (SES Level 4)
Budget Total: \$15.7M
Staff (EFT): 94.4 Total Actual: 98
Russell is responsible for providing corporate services. He was appointed in 2003. His earlier experience includes senior corporate service appointments in both the public and private sectors.
Russell's improvements to corporate services this year include a new disaster recovery capability, better budget preparation for employee related costs, and a substantial reduction in record storage.
- 4 KYLIE BECKHOUSE** BA LLB
Accredited Family Law Specialist
Director, Family Law (Senior Officer Grade 2) Budget Total: \$21.2M
Staff (EFT): 134.65 Total Actual: 149
Kylie was appointed in May 2009. Before then she held senior management roles throughout Legal Aid NSW, including in Central Sydney, Liverpool, Parramatta, Blacktown and the Child Support Service. Her earlier experience includes seven years in private practice.
Kylie's key achievements this year include gaining Cabinet endorsement to commence an external pilot of ADR in care and protection, establishing a leading role for Legal Aid NSW in the NSW Family Relationships Centre legal services pilot, forming the Family Violence Specialist Network, as well as overseeing the expansion of community legal education.
- 5 BRIAN SANDLAND** BComm LLB PSM
Director, Criminal Law (SES Level 2)
Budget Total: \$39.1M
Staff (EFT): 234.5 Total Actual: 255
Brian has worked in private practice and then in Legal Aid NSW for 30 years, firstly in civil law for four years and then criminal law for the last 26 years. He has held senior management roles in regional offices and Central Sydney and been Director of the Criminal Law Division since 2003.
Brian worked closely with other directors on implementing the Trial Efficiency Working Group recommendations. He has also worked on joint agency access to justice initiatives and improving resources for unrepresented litigants.
- 6 MONIQUE HITTER** BSW Dip Law
Director Civil Law (Senior Officer Grade 1)
Budget Total: \$14.9M
Staff (EFT): 97.5 Total Actual: 105
Monique began working as a community lawyer at Marrickville Legal Centre, and has worked as a lawyer in both the government and private sector. She developed the Cooperative Legal Services Delivery Model in 2004 and established new programs in the Civil Law Division for older people, prisoners and homeless people. Monique has been acting as the Director Civil Law since July 2007.
This year Monique established a Mortgage Hardship Program as well as significantly expanding civil law outreach services.
- 7 RICHARD FUNSTON** BComm LLB EMPA
Accredited Criminal Law Specialist
Executive Director Planning, Policy and Grants (SES Level 2)
Budget Total: \$110.2M
Staff (EFT): 120.4 Total Actual: 131 (staffing includes Grants)
Richard's earlier experience includes eight years with Legal Aid Victoria and four years as Principal Solicitor of the Inner City Legal Centre in NSW. During his 13 years with Legal Aid NSW, Richard has held leadership roles across the organisation.
Richard has shown leadership in improving staff wellbeing, prison work and external stakeholder management.
- 8 ANNMARIE LUMSDEN** BA LLB, Dip Bus
Accredited Criminal Law Specialist
Director Grants (Senior Officer Grade 1)
Budget Total: \$82.9M
Staff (EFT): 85.3 Total Actual: 91
Annmarie was appointed in June 2009. In her 12 years at Legal Aid NSW, she has held a number of senior roles. Her earlier experience includes seven years at the Legal Aid Office ACT, as well as working in private practice and government.
Annmarie effectively consolidated the implementation of ATLAS, the new grants management system within the Grants Division. This process involved significant change management, including addressing OH&S issues that arose with the new processes.

Governance framework

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

The Office of the Legal Aid Commission, a Division of the Government Service, provides personnel services to the Legal Aid Commission of NSW at cost. The Legal Aid Commission of NSW does not employ staff directly.

A Memorandum of Understanding between the two organisations nominates their respective responsibilities.

Collectively the Legal Aid Commission of NSW and the Office of the Legal Aid Commission are referred to as Legal Aid NSW.

Our governance structure ensures that the business objectives of Legal Aid NSW are met in an ethical and effective manner.

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 59.

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 and priorities. These include our Corporate Plan, Code of Conduct, legal aid guidelines and means tests, Corruption and Fraud Prevention Plan, Business Plan and divisional plans.

Corporate planning

The Corporate Plan 2009-2011 reflects the four highest priorities for Legal Aid NSW in that period, and describes the high-level actions needed to advance these priorities. It provides a framework for divisional plans in which further actions are developed against each corporate priority and action. Divisional plans are monitored and achievements are reported quarterly to the Executive and the Board of NSW. The four key priority areas in the Plan are social inclusion, access to justice, integrated services and organisational flexibility.

In June 2010, we undertook an annual review of the Corporate Plan. The review identified areas in which noteworthy achievements had been made as well as areas in which we could do better, such as being able to determine and interpret the demand on our services so that we can plan and deliver services more effectively, and our work to improve staff health and wellbeing. The 2010-2011 divisional plans focus on improving our effort in these areas and include new actions which build upon the achievements of 2009-2010.

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 equitable access to services.

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

In addition, all our lawyers are bound by professional practice standards, comply with continuing legal education development requirements and have available a range of skills development training courses.

Financial performance

Legal Aid NSW maintains a strong financial control environment. Annual budgets are negotiated with each business centre manager to ensure that each manager is fully aware of the financial resources they have been allocated to achieve their business objectives. Monthly reports are provided, comparing actuals to budget and analysing revenue and expenditure trends. Detailed monthly financial reports are provided to the Audit and Risk Committee and the Board. Legal Aid NSW maintains a small funding reserve each year to provide for unexpected expenditure increases or revenue reductions that may occur during the course of the year.

This year, we developed a new format for reporting financial and operational information to the Audit and Risk Committee and the Board. It provides more information, especially operational information, and improves ease of use, as well as improving the efficiency of preparation.

This year, we improved the budget preparation process for employee related costs, leading to a greater understanding of this budget for managers, an improved ability to analyse budget variations, and an improved ability to make employee related cost decisions.

Risk management and internal audits

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

The risk assessment is used to prepare the Internal Audit Plan. Each plan also includes provision for additional audits should circumstances change during the course of the year.

The preparation of the risk assessment is based upon a methodology recognising inherent risk and control effectiveness.

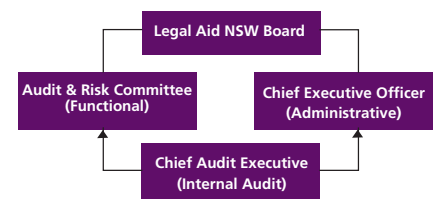
Deloitte Touche Tohmatsu and the Internal Audit Bureau are the internal auditors for Legal Aid NSW. Each audit has a stated objective and scope of activity.

All recommendations to improve controls require a management response on what action will be taken and a date by when that action will be complete.

During 2009-2010 the Board Audit and Finance Committee changed its name to the Audit and Risk Committee and introduced a number of changes to comply with Treasury Circular TC09/08 Internal Audit and Risk Management.

Audit and Risk Committee – reporting lines

Whilst risk management and internal controls are overseen by the Audit and Risk Committee, primary responsibility for managing risk and internal controls rests with line managers, who are required to ensure that



an effective control environment operates within their area of responsibility.

Report from the Board Audit and Finance Committee 2009-2010

The primary objective of the Board Audit and Finance Committee is to advise the Board, including the Chief Executive Officer, about financial reporting practices, business ethics, policies and practices, accounting policies, and internal controls.

Accordingly, the Committee oversees a range of activities including the financial performance of Legal Aid NSW and the Internal Audit function.

During the year the Committee comprised four members. Two members were independent members from the Board of Legal Aid NSW, including the Chair of the Committee, and two members were non-independent executive members, including the Chief Executive Officer. A senior representative of the Finance Branch of Legal Aid NSW also attends each meeting. Representatives from the Audit Office and Deloitte Touche Tohmatsu, our internal audit service provider, attended some meetings

The Committee met 11 times in 2009-2010 and reviewed a range of matters including:

- Monthly financial results
- Internal Audit Plan for 2009-2010
- Internal Budget for 2009-2010
- National Partnership Agreement with the Commonwealth
- End of Year Financial Statements
- Updates on Internal Audits and the implementation of recommendations
- Board papers with financial implications

The following internal audits were completed during the year:

- Payroll
- Network Communications
- IT Operations – Support
- Cash Management
- Cooperative Legal Service Delivery Program

Generally a satisfactory control environment was identified.

A number of audits are currently in progress including Policy Conformance – Granting of Aid and a performance audit on Duty Services.

Membership of the Committee was changed in June 2010 to comply with the requirements of the new Internal Audit and Risk Management Policy for the NSW Public Sector. The Committee name was changed to the Audit and Risk Committee and now comprises two independent members, including the Chair, and one non-independent executive member. Also in June a new Charter for the Committee was adopted, a new Charter for the Internal Audit function introduced and a Chief Audit Executive nominated.

In 2010 the Committee will review a number of policies requiring update, a new risk assessment, a new 3 year and annual audit plan as well as regular monthly financial results and Board papers with a financial impact.

Philip Bickerstaff, MComm
Independent Chair
21 September 2010

Internal Audit and Risk Management Statement for Legal Aid NSW 2009-2010

I, Alan Kirkland, am of the opinion that Legal Aid NSW has internal audit and risk management processes in place that are, in all material respects, compliant with the core requirements set out in Treasury Circular NSW TC 09/08 Internal Audit and Risk Management Policy.

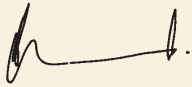
I, Alan Kirkland, am of the opinion that the Audit and Risk Committee for Legal Aid NSW is constituted and operates in accordance with the independence and governance requirements of Treasury Circular NSW TC 09-0.

The Chair and Members of the Audit and Risk Committee are:

- * Phil Bickerstaff, Independent Chair (3 year appointment)
- * John Bordon, Independent Member (Board designate, seeking inclusion on pre-qualification panel)
- * Kylie Beckhouse, Non-Independent Member (4 year appointment)

I, Alan Kirkland declare that this Internal Audit and Risk Management Statement is made on behalf of the following controlled entity: Office of the Legal Aid Commission of NSW.

Legal Aid NSW has outsourced internal audit services for reasons of economy, given the relatively small size of Legal Aid NSW, access to specialist expertise and because it subjects our systems to best practice review standards. These processes provide a level of assurance that enables the senior management of Legal Aid NSW to understand, manage and satisfactorily control risk exposures.



Alan Kirkland
Chief Executive Officer

Prepare a new three-year Audit Plan and new Risk Assessment recognising international standard ISO 31000.

Develop a new corporate plan.

Key challenge

Continue implementing new requirements resulting from the introduction of the Internal Audit and Risk Management Policy for the NSW Public Sector.

Legislative compliance

Significant cases and legislative amendments

There were two significant cases relating to the provision of legal aid this year.

In *Potier v Arnott and Ors [2010] NSWSC 144* the Supreme Court considered the immunity provided by section 27 of the *Legal Aid Commission Act 1979*. It held that the effect of the provision is that no liability attaches to or is incurred by Legal Aid NSW for the actions of its staff members in declining to provide legal aid, providing those actions are done in good faith. The Court also confirmed that a person affected by a decision of Legal Aid NSW may seek judicial review of that decision, even if they may not bring a claim for damages.

In *HSBC Bank Australia Ltd v Murtough (2010) NSWSC 320* the Supreme Court dealt with an application for an adjournment based on section 57 of the *Legal Aid Commission Act 1979*, which provides that a court shall adjourn proceedings where a party has appealed or intends to appeal to a Legal Aid Review Committee. The judgment discusses the effect of paragraph (b) of section 57, which requires that the appeal or intention to appeal to a Legal Aid Review Committee be bona fide, including a discussion of which party has the onus of proving the bona fides of the appeal.

Business continuity

Legal Aid NSW has a Business Continuity Management Plan that is initiated when a risk event occurs that results in the inability of Legal Aid NSW 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.

An update of our Information Technology disaster recovery site was completed during the year that will reduce downtime for systems, as well as reduce the risks of loss of data, and costs. This new capability will be incorporated into the Business Continuity Plan in 2010–2011.

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.

Year ahead

Review the Corruption and Fraud Prevention Plan, Protected Disclosure Policy and Business Continuity Plan.

The judgment refers to the recent Court of Appeal decision, *Director of Public Prosecutions v Emmanuel* (2009) NSWCA 42, in which it was held that the respondent, having lodged an appeal against a refusal of legal aid, was entitled, as a matter of law, to have the Court address the provisions of section 57. In *Emmanuel* the Court held that, if the conditions in section 57 were made out, the court was required to adjourn the proceedings. Where an accused has a statutory entitlement to an adjournment, the refusal of an adjournment amounts to a breach of procedural fairness.

The *Relationships Register Act 2010* amended the definition of ‘de facto partner’ in section 4 of the *Legal Aid Commission Act 1979* to provide that ‘de facto relationship’ is as defined in section 21C of the *Interpretation Act 1987*.

Protected disclosure

The Protected Disclosure 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 2009-2010, Legal Aid NSW did not receive any notifications under the Protected Disclosure Policy.

Freedom of information

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

The most recent *Summary of Affairs of Legal Aid NSW* was forwarded for publication in the *Government Gazette* in June 2010.

During 2009-2010 Legal Aid NSW continued to make information about legal aid and other matters, including the policy documents listed in our *Summary of Affairs*, available to the public, in most instances free of charge. This year we received 24 applications for access to records and processed 27 applications including three carried over from the previous year. No applications to amend records were received or processed. Full details of the applications are contained in the Appendices.

Most applications continued 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 solicitors continued to provide clients with access to documents from their own case files without requiring a formal freedom of information application or application fee.

During 2009-2010 Legal Aid NSW responded to two applications to the NSW Administrative Decisions Tribunal for review of decisions under the FOI Act. Both matters have been concluded and the findings of the Tribunal endorsed the approach taken by Legal Aid NSW in dealing with the applications.

Year ahead

The *Government Information (Public Access) Act 2009* (the GIPA Act) commenced from July 2010 and has established a new “right to information” regime for providing access to information. Legal Aid NSW has implemented strategies and systems for compliance with the new Act; it will also provide training and support for staff in dealing with inquiries for information under the GIPA Act.

Key challenge

Ensuring that all staff of Legal Aid NSW are fully aware of their obligations under the GIPA Act, and enabling both clients and the general public to make full use of their rights to access government information.

Privacy

The *Privacy and Personal Information Protection Act 1998* (PIPP 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, when determining eligibility for legal aid of an applicant, to collect information about third parties associated with the applicant.

Legal Aid NSW adopted a Privacy Management Plan in 2001 and revised it in 2004. The Privacy Management Plan describes our policies and practices to ensure compliance with the Information Protection Principles in the PPIP Act and the Health Privacy Principles in the HRIP Act.

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 2009-2010.

Year ahead

Develop a new Privacy Management Plan, to reflect changes in legislation and new information systems and processes adopted by Legal Aid NSW.

Public accountability

Appealing decisions

Six independent Legal Aid Review Committees (LARC) determine appeals that relate to legal aid applications and grants of legal aid. Membership of our six committees can be found in the Appendices.

This year, the review committees allowed appeals in 107 of 1,167 matters submitted, compared with 140 appeals allowed out of 1,079 submitted last year. See table right for details.

Appeals allowed over five years

There has been a significant increase in the number of appeals over the last five years (864 in 2005-2006 to 1,167 in 2009-2010). There has been a decrease in the number of appeals allowed from 137 to 107 over the same period. As a result, the percentage of appeals allowed has decreased over this time from 15.86% in 2005-2006 to 9.17% in 2009-2010.

The increase in appeals in 2009-2010 was mainly in family law matters. A new Family Law Legal Aid Review Committee was established in April 2010 to accommodate the high volume of family law appeals.

This year, the LARC Secretariat implemented new processes, procedures and forms for use with the new grants management system (ATLAS).

Appeals and outcomes 1 July 2009 to 30 June 2010

Law type	Allowed	Disallowed	Pending	Withdrawn	Total appeals	Appeals allowed (%)
Family	82	685	63	11	841	9.75
Criminal	11	108	9	3	131	8.40
Civil	14	160	20	1	195	7.18
TOTAL	107	953	92	15	1,167	9.17

Complaints handling

We are accountable to the public through an open and efficient complaints process and an appeals system that guarantees procedural fairness.

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

Legal Aid NSW received 416 complaints in 2009-2010, which is an increase of 88 (26%) compared to 2008-2009. Just over half of our complaints (53.4%) were about eligibility for legal aid.

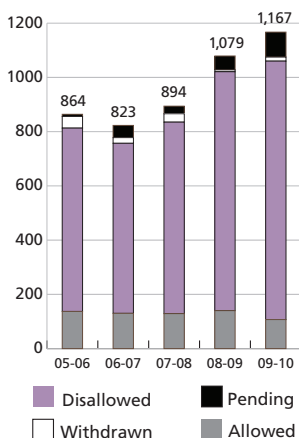
This included complaints about the conditions of a grant, or being refused a grant of aid. This is the first full year of operation for our new on-line complaints system which has provided our clients with a greater opportunity to lodge a complaint. Overall, the nature of complaints was similar to last year's results.

The timely resolution of complaints is a vital part of best practice complaint handling. In 2009-2010 the majority of our complaints (70.7%) were resolved within 21 days.

TOTAL COMPLAINTS 3 YEAR COMPARISON

Nature of complaint	2007-08	2008-09	2009-10
Allocation of funds	0	1	1
Breach of the Act	1	0	1
Eligibility	192	177	222
Fees issue/wrongful claim for fees/overcharging	7	10	3
Legal Aid NSW staff or administration issue	30	36	17
Private lawyers	29	13	21
Systems or processes	7	26	17
Quality of legal service (representation or complaint about lawyer)	32	48	89
Other	17	17	45
TOTAL	315	328	416

APPEALS AND OUTCOMES 5 YEAR TREND



Time taken to resolve complaints by percentage

Time taken	%	Target
Up to 21 days	70.7	70%
4 to 6 weeks	16.8	20%
More than 6 weeks	12.6	10%
Total	100	100%

Year ahead

Adapt LARC processes to the new Grants system.

Monitor the standard of reporting to LARC with the introduction of the new LARC report form.

Improve our services and address systemic issues based on complaints received.

Key challenges

Responding to increased appeals to Legal Aid Review Committees, particularly in relation to family law matters; and identifying further opportunities to improve timeliness and quality assurance of appeals.

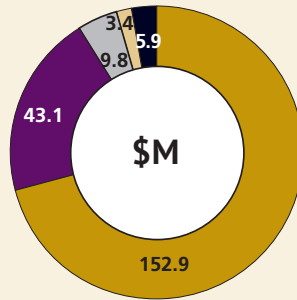
Financial summary

Meeting increased demand for services through strong financial management

SECTION 5

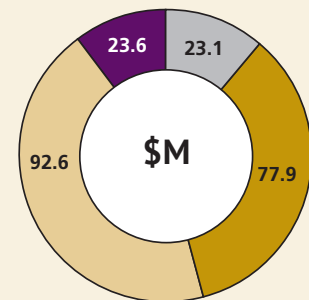
The successful operation of Legal Aid NSW depends upon strong financial performance. This year, we reduced the rate of growth in expenditure and secured additional funding to support our work in future years.

WHERE THE FUNDS COME FROM



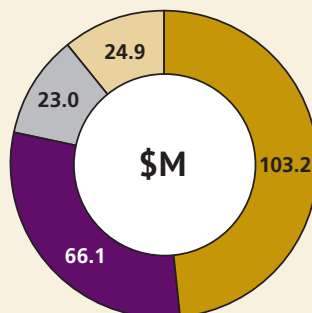
- State Appropriation
- Public Purpose Fund
- State and Commonwealth Grants and Contributions
- Interest
- Other

HOW THE FUNDS ARE SPENT



- Salaries
- External Legal Services
- Community Programs
- Other

FUNDS EXPENDITURE BY PROGRAM



- Criminal Law
- Family Law
- Civil Law
- Community Partnerships

Key outcomes

Total revenue of \$215.1M
 Total expenses of \$217.2M
 Net equity of \$36.0M

In this section

Financial overview	68
Financial performance	69
Financial statements	70

Financial overview

Funding

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

Combined income (excluding impairment gain on receivables) for 2009-2010 was \$215.1 million and expenditure was \$217.2 million.

The 2010-2011 State Budget included additional funding to assist Legal Aid NSW to respond to increased demand for assistance in the Children's Court, including \$1.5 million for criminal matters and \$2 million for care and protection matters. Legal Aid NSW also received \$1.6 million to participate in trials of alternative dispute resolution in care and protection matters, and \$740,000 per annum for initiatives under the Domestic and Family Violence Action Plan.

The Commonwealth Budget included a \$10 million increase in funding for Legal Aid NSW in 2010-2011, conditional upon negotiation of a National Partnership Agreement on Legal Assistance Services.

The National Partnership Agreement was signed by the Acting Premier, the Hon John Hatzistergos, on 13 July 2010. The four-year agreement will require Legal Aid NSW to achieve substantial increases in preventative and early intervention services, including community legal education, information, advice and minor assistance services.

NOTE:

A financial glossary appears on page 161.

We ended the year with a net equity of \$36.0 million.

Key developments

There was an operating deficit of \$2.6 million, primarily due to increased Legal Expenses and Grants and Subsidies.

Funding from the Commonwealth Government previously reported in Sale of Goods and Services is now received via a State Appropriation.

Payments of \$92.6 million were made to private lawyers, who provide legal aid services to our clients in partnership with Legal Aid NSW. These payments include disbursements for other professional services.

Expenditure on Community Partnerships increased from \$23.1 million to \$24.9 million.

Improving the way we work

A number of changes to financial processes arose following the implementation of the ATLAS system. The impact of these changes included improvements in payment times.

Major achievements

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

A number of projects were undertaken during the year to improve the quality of reconciliations, reporting and budgeting. These resulted in new policies and procedures, the development of a new methodology for preparing key reports and new reporting formats.

Year ahead

Continue to refine and streamline business processes and upgrade the finance system.

Commence work on a new Chart of Accounts, supported by a new module in the finance system.

Key challenges

Managing the rollout of new Commonwealth money, provided through the National Partnership Agreement.

Working towards the Government's Corporate Services reform agenda is a key challenge for all corporate services areas in 2010-2011.

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.

Financial performance

Legal Aid NSW's financial result was a deficit of \$2.6 million compared to a budgeted surplus of \$3.6 million.

The most significant reason for the deficit was higher than budgeted expenditure on private lawyers.

Income

The main sources of funding for Legal Aid NSW are the State Government, Commonwealth Government, the Public Purpose Fund, interest and client contributions.

In 2009-2010, the State Government provided \$152.9 million (\$109.0 million in 2008-2009), the Public Purpose Fund \$43.1 million (\$43.4 million in 2008-2009). Grants and Contributions from the State and Commonwealth totalled \$9.8 million (\$10.6 million in 2008-2009). Of the funds provided by the State Government, \$3.0 million (\$3.6 million in 2008-2009) was from the State Asset Acquisition program to fund improvements to office accommodation, the replacement of computers, and a number of information technology projects.

Expenses

Our major expenses were:

- employee-related expenses of \$77.9 million (\$75.7 million in 2008-2009), representing an increase of 2.9%; and
- payments to private lawyers of \$92.6 million (\$95.0 million in 2008-2009) for services provided to clients, representing 42.6% of total expenses.

Balance Sheet

The use of cash balances to fund higher than budgeted expenditure was partly offset by funds carried forward from the previous financial year. This affected Current Assets and Equity.

Budget outline 2010–2011

Operating Statement		(\$M)
Revenue (including government contributions)	216.6	
Expenditure	217.2	
Net cost of services	158.1	

Balance Sheet		(\$M)
Current assets	77.0	
Non-current assets	17.1	
Total assets	94.1	
Current liabilities	48.5	
Non-current liabilities	14.4	
Total liabilities	62.9	
Net assets	31.2	
Equity	31.2	

Total expenses for Legal Aid NSW are estimated at \$217.2 million in 2010-2011, an increase of 9 per cent on the 2009-2010 budget. This expenditure will be supported by additional funding for:

- \$2 million per annum for legal assistance in Children's Court care and protection matters
- \$1.5 million for the representation of children in criminal matters before the Children's Court and
- \$1.6 million for trials of alternative dispute resolution in care and protection matters, as part of the Keep Them Safe – Alternate Dispute Resolution initiative.

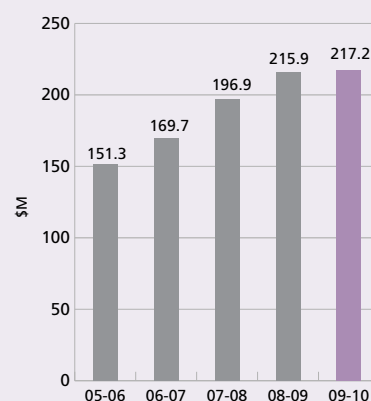
Since the publication of the 2010-2011 Budget Papers the Commonwealth National Partnership Agreement has been signed, with an additional \$10 million allocated to Legal Aid NSW.

Total expenses and surplus/ (deficit)

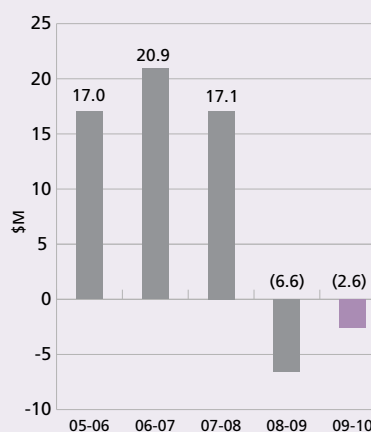
The two graphs below, show movements in our total expenses and surplus/(deficit) over the past five years.

Figures for 2005-2006 to 2008-2009 have been adjusted so that superannuation is treated on a comparable basis in those years to that on which it is treated in the 2009-2010 financial statements.

TOTAL EXPENSES (\$M)
5 YEAR TREND



SURPLUS/DEFICIT (\$M)
5 YEAR TREND



THE LEGAL AID COMMISSION OF NSW

Financial statements

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 used during 2009–2010 or 2008–2009.

In this section

Statement by Members of the Board	71
Independent Auditor's Report	72
Statement of Comprehensive Income	74
Statement of Financial Position	75
Statement of Changes In Equity	76
Statement of Cash Flows	77
Service Group Statements	78
Summary of Compliance	80

Notes to the financial statements for the year ended 30 June 2010

1(a)–(p) summary of significant accounting policies	81
2 Expenses	85
3 Revenue	86
4 Loss on disposal	88
5 Other gains/(losses)	88
6 Appropriations	89
7 Individually significant items	89
8 Acceptance by the crown entity of employee entitlements and other liabilities	90
9 Transfer payments	90
10 Service groups/activities of Legal Aid NSW	90
11 Current assets – cash and cash equivalents	90
12 Current/non-current assets – receivables	91
13 Non-current assets – plant and equipment	91
14 Intangible assets	92
15 Current liabilities – payables	92
16 Current/non-current liabilities – provisions	93
17 Non-current liability – other	94
18 Superannuation fund information	94
19 Commitments for expenditure	100
20 Contingent liabilities and contingent assets	101
21 Budget review	101
22 Reconciliation of cash flows from operating activities to net cost of services	102
23 Trust funds	102
24 Financial instruments	103
25 After balance date events	106

Statement by members of the Board

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 2010*, applicable Australian Accounting Standards, (which include Australian Accounting Interpretations), the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer.
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 2010 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.



Hon Peter Collins AM QC
Chair

14 October 2010



Alan Kirkland
Chief Executive Officer

14 October 2010

Independent auditor's 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 statements of the Legal Aid Commission of New South Wales (the Commission), which comprise the statement of financial position as at 30 June 2010, the statement of comprehensive income, statement of changes in equity, statement of cash flows, service group statements and a 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 statements:

- present fairly, in all material respects, the financial position of the Commission and the consolidated entity as at 30 June 2010, and of their financial performance for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations)
- are in accordance with section 41B of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2010.

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

Board's Responsibility for the Financial Statements

The members of the Board are responsible for the preparation and fair presentation of the financial statements 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 financial statements that are 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 statements 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 statements are free from material misstatement.

Independent auditor's report

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, 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 statements 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 statements.

I believe 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.

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
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their role by the possibility of losing clients or income.



Peter Coulogeorgiou
Director, Financial Audit Services

18 October 2010
SYDNEY

START OF AUDITED FINANCIAL STATEMENTS

Statement of Comprehensive Income for the year ended 30 June 2010

	Notes	Consolidated		Parent		
		Actual 2010 \$'000	Budget 2010 \$'000	Actual 2009 \$'000	Actual 2010 \$'000	Actual 2009 \$'000
Expenses excluding losses						
Operating expenses						
Employee related	2(a)	77,903	77,717	75,674	186	890
Personnel services	2(a)	-	-	-	82,608	95,043
Other operating expenses	2(b)	18,726	18,049	19,175	18,726	19,175
Depreciation and amortisation	2(c)	4,346	4,500	3,635	4,346	3,635
Grants and subsidies	2(d)	23,596	21,459	21,902	23,596	21,902
Finance costs	2(e)	90	-	537	90	537
Other expenses	2(f)	92,557	83,815	95,005	92,557	95,005
Total Expenses excluding losses		217,218	205,540	215,928	222,109	236,187
Revenue						
Sale of goods and services	3(a)	3,944	4,000	40,602	3,944	40,602
Investment revenue	3(b)	3,382	4,282	5,162	3,382	5,162
Grants and contributions	3(c)	52,917	47,450	54,054	52,917	54,054
Other revenue	3(d)	1,916	180	203	1,916	203
Total Revenue		62,159	55,912	100,021	62,159	100,021
Gain/(Loss) on Disposal	4	(18)	-	(6)	(18)	(6)
Other Gains / (Losses)	5	(471)	(200)	354	(471)	354
Net Cost of Services	22	155,548	149,828	115,559	160,439	135,818
Government Contributions						
Recurrent appropriation	6(a)	149,900	149,828	105,379	149,900	105,379
Capital appropriation	6(b)	3,039	3,600	3,600	3,039	3,600
Total Government Contributions		152,939	153,428	108,979	152,939	108,979
SURPLUS/(DEFICIT) FOR THE YEAR		(2,609)	3,600	(6,580)	(7,500)	(26,839)
Other Comprehensive Income						
Net increase/(decrease) in property, plant & equipment asset revaluation reserve		-	-	-	-	-
Net change in the asset revaluation reserve arising from a change in the restoration liability		-	-	-	-	-
Superannuation actuarial (losses)/gains	18	(4,891)	-	(20,259)	-	-
Other comprehensive income for the year		(4,891)	-	(20,259)	-	-
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		(7,500)	3,600	(26,839)	(7,500)	(26,839)

The accompanying notes form part of these financial statements.

Statement of Financial Position as at 30 June 2010

	Notes	Consolidated		Parent		
		Actual 2010 \$'000	Budget 2010 \$'000	Actual 2009 \$'000	Actual 2010 \$'000	Actual 2009 \$'000
ASSETS						
Current Assets						
Cash and cash equivalents	11	76,691	86,920	81,975	76,691	81,975
Receivables	12	4,742	6,294	6,293	4,742	6,293
Total Current Assets		81,433	93,214	88,268	81,433	88,268
Non-Current Assets						
Receivables	12	1,935	2,432	2,432	1,935	2,432
Plant and equipment	13	10,319	10,051	8,701	10,319	8,701
Intangible assets	14	5,211	4,758	6,258	5,211	6,258
Total Non-Current Assets		17,465	17,241	17,391	17,465	17,391
Total Assets		98,898	110,455	105,659	98,898	105,659
LIABILITIES						
Current Liabilities						
Payables	15	19,454	24,235	23,834	19,454	23,834
Provisions	16	39,800	34,983	34,283	39,800	34,283
Total Current Liabilities		59,254	59,218	58,117	59,254	58,117
Non-Current Liabilities						
Provisions	16	3,618	4,137	4,042	3,618	4,042
Other	17	26	-	-	26	-
Total Non-Current Liabilities		3,644	4,137	4,042	3,644	4,042
Total Liabilities		62,898	63,355	62,159	62,898	62,159
Net Assets		36,000	47,100	43,500	36,000	43,500
EQUITY						
Accumulated Funds		36,000	47,100	43,500	36,000	43,500
Total Equity		36,000	47,100	43,500	36,000	43,500

The accompanying notes form part of these financial statements.

Statement of Changes in Equity for the year ended 30 June 2010

Notes	Consolidated				Parent			
	Accumulated Funds \$'000	Asset Revaluation Surplus \$'000	Other Reserves \$'000	Total \$'000	Accumulated Funds \$'000	Asset Revaluation Surplus \$'000	Other Reserves \$'000	Total \$'000
Balance at 1 July 2009	43,500	-	-	43,500	43,500	-	-	43,500
Changes in accounting policy	-	-	-	-	-	-	-	-
Correction of errors	-	-	-	-	-	-	-	-
Restated total equity at 1 July 2009	43,500	-	-	43,500	43,500	-	-	43,500
Surplus/(deficit) for the year	(2,609)	-	-	(2,609)	(7,500)	-	-	(7,500)
Other comprehensive income:								
Net increase/(decrease) in plant and equipment	-	-	-	-	-	-	-	-
Changes in restoration liability	-	-	-	-	-	-	-	-
Other comprehensive income:								
Superannuation actuarial (losses)/gains	18 (4,891)	-	-	(4,891)	-	-	-	-
Total other comprehensive income	(4,891)	-	-	(4,891)	-	-	-	-
Total comprehensive income for the year	(7,500)	-	-	(7,500)	(7,500)	-	-	(7,500)
Balance at 30 June 2010	36,000	-	-	36,000	36,000	-	-	36,000
Balance at 1 July 2008	70,339	-	-	70,339	70,339	-	-	70,339
Changes in accounting policy	-	-	-	-	-	-	-	-
Correction of errors	-	-	-	-	-	-	-	-
Restated total equity at 1 July 2008	70,339	-	-	70,339	70,339	-	-	70,339
Surplus/(deficit) for the year	(6,580)	-	-	(6,580)	26,839	-	-	(26,839)
Other comprehensive income:								
Net increase/(decrease) in plant and equipment	-	-	-	-	-	-	-	-
Changes in restoration liability	-	-	-	-	-	-	-	-
Other comprehensive income:								
Superannuation actuarial (losses)/gains	18 (20,259)	-	-	(20,259)	-	-	-	-
Total other comprehensive income	(20,259)	-	-	(20,259)	-	-	-	-
Total comprehensive income for the year	(26,839)	-	-	(26,839)	(26,839)	-	-	(26,839)
Balance at 30 June 2009	43,500	-	-	43,500	43,500	-	-	43,500

The accompanying notes form part of these financial statements.

Statement of Cash Flows for the year ended 30 June 2010

	Notes	Consolidated			Parent	
		Actual 2010 \$'000	Budget 2010 \$'000	Actual 2009 \$'000	Actual 2010 \$'000	Actual 2009 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee related		(77,768)	(76,521)	(74,545)	(186)	(890)
Grants and subsidies		(23,601)	(21,459)	(21,853)	(23,601)	(21,853)
Personnel services		-	-	-	(77,582)	(73,655)
Other		(128,375)	(114,488)	(129,072)	(128,375)	(129,072)
Total Payments		(229,744)	(212,468)	(225,470)	(229,744)	(225,470)
Receipts						
Sale of goods and services		4,330	3,800	39,631	4,330	39,631
Interest received		3,238	4,282	5,471	3,238	5,471
Other		67,014	60,254	67,996	67,014	67,996
Total Receipts		74,582	68,336	113,098	74,582	113,098
Cash Flows from Government						
Recurrent appropriation		149,972	149,828	105,379	149,972	105,379
Capital appropriation		3,039	3,600	3,600	3,039	3,600
Net Cash Flows from Government		153,011	153,428	108,979	153,011	108,979
NET CASH FLOWS FROM OPERATING ACTIVITIES	22	(2,151)	9,296	(3,393)	(2,151)	(3,393)
CASH FLOWS FROM INVESTING ACTIVITIES						
Proceeds from sale of plant and equipment		20	-	54	20	54
Purchases of plant and equipment		(3,153)	(4,350)	(4,351)	(3,153)	(4,351)
NET CASH FLOWS FROM INVESTING ACTIVITIES		(3,133)	(4,350)	(4,297)	(3,133)	(4,297)
NET INCREASE/(DECREASE) IN CASH		(5,284)	4,946	(7,690)	(5,284)	(7,690)
Opening cash and cash equivalents		81,975	81,975	89,665	81,975	89,665
CLOSING CASH AND CASH EQUIVALENTS	11	76,691	86,921	81,975	76,691	81,975

The accompanying notes form part of these financial statements.

Service Group Statements for the year ended 30 June 2010

SUPPLEMENTARY FINANCIAL STATEMENTS

(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 Partnerships		Not Attributable		Total	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Expenses excluding losses												
Operating expenses												
Employee related/personnel services	40,123	38,543	13,658	12,455	23,142	23,799	980	877	-	-	77,903	75,674
Other operating expenses	9,101	9,416	3,490	3,348	5,822	6,126	313	285	-	-	18,726	19,175
Depreciation and amortisation	2,119	1,743	609	458	1,601	1,429	17	5	-	-	4,346	3,635
Grants and subsidies	-	-	-	-	-	-	23,596	21,902	-	-	23,596	21,902
Finance costs	43	264	16	92	31	181	-	-	-	-	90	537
Other Expenses	51,805	54,444	5,240	6,856	35,512	33,705	-	-	-	-	92,557	95,005
Total Expenses excluding losses	103,191	104,410	23,013	23,209	66,108	65,240	24,906	23,069	-	-	217,218	215,928
Revenue												
Sale of goods and services	1,415	3,875	1,357	4,884	1,172	31,708	-	135	-	-	3,944	40,602
Investment revenue	2,209	3,311	519	643	654	1,208	-	-	-	-	3,382	5,162
Grants and contributions	31,405	32,499	7,891	7,367	2,502	2,354	11,119	11,834	-	-	52,917	54,054
Other revenue	975	157	243	19	696	27	2	-	-	-	1,916	203
Total Revenue	36,004	39,842	10,010	12,913	5,024	35,297	11,121	11,969	-	-	62,159	100,021
Gain/(loss) on disposal	(9)	(3)	(2)	(1)	(7)	(2)	-	-	-	-	(18)	(6)
Other gains/(losses)	(268)	(168)	39	448	(242)	74	-	-	-	-	(471)	354
Net Cost of Services	67,464	64,739	12,966	9,849	61,333	29,871	13,785	11,100	-	-	155,548	115,559
Government Contributions **	-	-	-	-	-	-	-	-	152,939	108,979	152,939	108,979
SURPLUS / (DEFICIT) FOR THE YEAR	(67,464)	(64,739)	(12,966)	(9,849)	(61,333)	(29,871)	(13,785)	(11,100)	152,939	108,979	(2,609)	(6,580)
Other Comprehensive Income												
Increase / (decrease) in asset revaluation reserve	(2,519)	(10,312)	(857)	(3,342)	(1,453)	(6,369)	(62)	(236)	-	-	(4,891)	(20,259)
Other - actuarial losses	(2,519)	(10,312)	(857)	(3,342)	(1,453)	(6,369)	(62)	(236)	-	-	(4,891)	(20,259)
Total Other Comprehensive Income	(69,983)	(75,051)	(13,823)	(13,191)	(62,786)	(36,240)	(13,847)	(11,336)	152,939	108,979	(7,500)	(26,839)

* The name and purpose of each Service Group is summarised in Note 10.

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

SUPPLEMENTARY FINANCIAL STATEMENTS

Service Group Statements for the year ended 30 June 2010

(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 Partnerships		Not Attributable		Total	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Current Assets												
Cash and cash equivalents	36,094	49,836	6,936	7,582	32,815	22,994	846	1,563			76,691	81,975
Receivables	2,360	1,006	1,087	759	1,294	4,510	1	18			4,742	6,293
Total Current Assets	38,454	50,842	8,023	8,341	34,109	27,504	847	1,581	-	-	81,433	88,268
Non-Current Assets												
Receivables	963	389	444	293	528	1,743	0	7			1,935	2,432
Plant and equipment	5,315	4,432	1,809	1,432	3,065	2,736	130	101			10,319	8,701
Intangible assets	2,684	3,188	914	1,030	1,548	1,968	65	73			5,211	6,258
Total Non-Current Assets	8,962	8,009	3,167	2,755	5,141	6,447	195	181	-	-	17,465	17,391
TOTAL ASSETS	47,416	58,851	11,190	11,096	39,250	33,951	1,042	1,761	-	-	98,898	105,659
Current Liabilities												
Payables	10,389	12,855	2,302	2,845	6,630	7,988	133	146			19,454	23,834
Provisions	20,498	17,462	6,978	5,643	11,823	10,782	501	397			39,800	34,283
Total Current Liabilities	30,887	30,317	9,280	8,487	18,453	18,770	634	543	-	-	59,254	58,117
Non-Current Liabilities												
Provisions	1,863	2,060	634	664	1,075	1,271	46	47			3,618	4,042
Other	13	-	5	-	8	-	0	-			26	-
Total Non-Current Liabilities	1,876	2,060	639	664	1,083	1,271	46	47	-	-	3,644	4,042
TOTAL LIABILITIES	32,763	32,377	9,919	9,151	19,536	20,041	680	590	-	-	62,898	62,159
NET ASSETS	14,653	26,475	1,271	1,944	19,714	13,910	362	1,171	-	-	36,000	43,500

* The name and purpose of each Service Group is summarised in Note 10.

Summary of Compliance with Financial Directives

(The Summary of Compliance with Financial Directives applies to both Parent and Consolidated Entities)

SUPPLEMENTARY FINANCIAL STATEMENTS

	2010						2009					
	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	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	143,497	143,497	3,600	3,039	88,945	88,793	3,600	3,600				3,600
Additional appropriations	-	-	-	-	-	-	-	-	-	-	-	-
S21A PF&AA - special appropriation	-	-	-	-	-	-	-	-	-	-	-	-
S24 PF&AA - transfers of functions between departments	-	-	-	-	-	-	-	-	-	-	-	-
S26 PF&AA - Commonwealth specific purpose payments	6,331	6,331	-	-	16,586	16,586	-	-	16,586	-	-	-
	149,828	149,828	3,600	3,039	105,531	105,379	3,600	3,600	105,531	105,379	3,600	3,600
OTHER APPROPRIATIONS/ EXPENDITURE												
Treasurer's Advance	-	-	-	-	-	-	-	-	-	-	-	-
Section 22 - expenditure for certain works and services	-	-	-	-	-	-	-	-	-	-	-	-
Transfers to / from another agency (s28 of the Appropriation Act)	145	72	-	-	(152)	(152)	-	-	(152)	-	-	-
	145	72	-	-	(152)	(152)	-	-	(152)	-	-	-
Total Appropriations/Expenditure/ Net Claim on Consolidated Fund (includes transfer payments)	149,973	149,900	3,600	3,039	105,379	105,379	3,600	3,600	105,379	105,379	3,600	3,600
Amount drawn down against Appropriation		149,972		3,039		105,379				105,379		3,600
Liability to Consolidated Fund		(72)		-		-				-		-

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 2010

1 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 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 statements for the year ended 30 June 2010 was authorised for issue by the Chair and the Chief Executive Officer on 14 October 2010.

(b) Basis of Preparation

The Legal Aid Commission of NSW's financial statements are general purpose financial statements which have 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 Regulation*; 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 statement 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 statements.

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) 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.

(f) 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 the Legal Aid Commission of NSW as a purchaser that is not recoverable from the Australian Taxation Office is recognised as part of the cost of acquisition of an asset or as part of an item of expense, and
- receivables and payables are stated with the amount of GST included.

Cash flows are included in the Statement of Cash Flows 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.

(g) Income Recognition

Income is measured at the fair value of the consideration or contribution received or receivable. Additional comments regarding the accounting policies for the recognition of income 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 a liability to the Consolidated Fund of \$0.072m as at 30 June 2010 (nil in 2009).

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

Notes to the Financial Statements for the year ended 30 June 2010

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.

(h) Assets

(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.

(ii) Capitalisation Thresholds

Plant and equipment and intangible assets costing \$5,000 and above individually (or forming part of a network costing more than \$5,000) are capitalised.

(iii) 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.

(iv) 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.

(v) 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 13.

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)	10 or the term of lease, whichever is the lesser

(vi) 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.

(vii) 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.

(viii) Leased Assets

Legal Aid Commission of NSW does not have any finance leases for its leased assets. Operating lease payments are charged to the Statement of Comprehensive Income in the periods in which they are incurred. Refer to Note 19(c).

(ix) 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 14.

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.

(x) 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 recognised in the surplus / (deficit) for the year when impaired, derecognised or through the amortisation process.

Notes to the Financial Statements for the year ended 30 June 2010

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

(xi) Impairment of Financial Assets

An allowance for impairment is established for Legal Aid Commission of NSW's receivables where there is objective evidence that the Legal Aid Commission of NSW will not be able to collect all amounts due.

The amount of any impairment loss is recognised in the surplus / (deficit) for the year. Any reversals of impairment losses are reversed through the surplus / (deficit) for the year where there is objective evidence.

The actuarial firm "Finity Consulting Pty Limited" were engaged to undertake the calculation of Impairment of Financial Assets for 2009/10.

(xii) Trust Funds

Legal Aid Commission of NSW receives monies in a trustee capacity for trusts as set out in Note 23. As the 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.

(xiii) Other Assets

Other Assets are recognised on a cost basis.

(i) Liabilities

(i) 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.

(ii) 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 the accrual of estimated legal expenses and legal commitments for 2009/10.

(iii) Employee Benefits, Personnel Services and Other Provisions

(a) 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.

(b) Long Service Leave and Superannuation

Long service leave is measured at present value in accordance with AASB 119 Employee Benefits. An actuarial firm were engaged to undertake a calculation of Legal Aid Commission of NSW's long service leave provision for 2009/10. The long service payments are discounted at 5.1% (7.74% in 2008/09).

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 Statement of Financial Position as an unfunded liability or prepaid contribution. Refer Notes 2(a), 7 & 18.

(c) 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 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 5.1%, which reflects the current market assessments of the time value of money and the risks specific to the liability.

Notes to the Financial Statements for the year ended 30 June 2010

(j) Equity and reserves

(i) Asset Revaluation Reserve

The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets. This accords with the agency's policy on the revaluation of plant and equipment as discussed in note 1(h)(iii)

(ii) Accumulated Funds

The category accumulated funds includes all current and prior period retained funds.

(iii) Reserve Accounts

Separate reserve accounts are recognised in the financial statements only if such accounts are required by specific legislation or Australian Accounting Standards (eg asset revaluation reserve and foreign currency translation reserve).

(k) Equity transfers

Equity transfers are recognised at fair value, except for intangibles. Where an intangible has been recognised at (amortised) cost by the transferor because there is no active market, the agency recognises the asset at the transferor's carrying amount. Where the transferor is prohibited from recognising internally generated intangibles, the agency does not recognise the asset.

(l) Budgeted amounts

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

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

(m) Comparative Information - general

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.

(n) Comparative Information - reclassification of agency staff expenses

In 2008/09 agency staff expenses of \$0.890m were included in other operating expenses instead of employee related expenses. The amount of \$0.890m has been reclassified in the comparative information, decreasing other operating expenses from \$20.065m to \$19.175m and increasing employee related expenses from \$74.784m to \$75.674m. The reason for the reclassification is to ensure consistency with NSW Treasury practice.

(o) Change in accounting estimate - Fitout depreciation

In 2009/10 the Asset Policy for the Legal Aid Commission of NSW was amended to reflect that fitout is being depreciated over 10 years or the life of the lease, whichever is the lesser period.

The change in accounting policy decreases the 2009/10 deficit for the year by \$0.228m from \$4.293m to \$4.065m.

(p) New Australian Accounting Standards issued but not effective

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2010 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 9 and AASB 2009-11 regarding financial instruments
- AASB 2009-5 regarding annual improvements
- AASB 2009-8 regarding share based payments
- AASB 2009-9 regarding first time adoption
- AASB 2009-10 regarding classification of rights
- AASB 124 and AASB 2009-12 regarding related party transactions
- Interpretation 19 and AASB 2009-13 regarding extinguishing financial liability with equity instruments
- AASB 2009-14 regarding prepayments of a minimum funding requirement
- AASB 2010-1 regarding AASB 7 comparatives for first time adopters
- AASB 1053 - Application of Tiers of Australian Accounting Standards

It is considered that the impact of these new Standards and Interpretations in future periods will have no material impact on the financial statements of the Legal Aid Commission of NSW.

Notes to the Financial Statements for the year ended 30 June 2010

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
2. EXPENSES				
(a) Employee related expenses and personnel services				
Employee related expenses				
Salaries and wages (including recreation leave)	65,574	63,248	-	-
Superannuation - defined benefit plans*	402	(68)	-	-
Superannuation - defined contribution plans	4,818	4,571	-	-
Long service leave	2,325	2,280	-	-
Workers' compensation insurance	278	563	-	-
Payroll tax and fringe benefits tax	4,320	4,190	-	-
Agency staff costs	186	890	186	890
Total	77,903	75,674	186	890
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 \$0.173m were capitalised to fixed assets in 2009/10 (\$0.397m in 2008/09).				
*Refer Note 18. Superannuation actuarial losses of \$4.891m (2008/09: \$20.259m) are recognised in the 'Statement of Changes in Equity'. Total superannuation expense, including actuarial losses recognised in the 'Statement of Comprehensive Income' is \$10.111m (2008/09: \$24.762m).				
Personnel services				
Personnel services provided by the Office of the Legal Aid Commission	-	-	82,608	95,043
Total	-	-	82,608	95,043
(b) Other operating expenses				
Other operating expenses include the following:				
Operating lease rental expense - minimum lease payments	7,778	7,620	7,778	7,620
Telephone	397	414	397	414
Library resources	769	702	769	702
Consultants	397	425	397	425
Contractors	86	33	86	33
Stationery, stores and provisions	502	660	502	660
Computer running costs	2,444	2,560	2,444	2,560
Printing	610	666	610	666
Records management	729	760	729	760
Travel	779	868	779	868
Interpreters' fees (non-case)	391	378	391	378
Postage	487	463	487	463
Cleaning	277	253	277	253
Practicing certificates	257	256	257	256
Electricity and gas	349	234	349	234
Insurance	88	83	88	83
Auditor's remuneration - audit or review of financial reports	123	131	123	131
Internal audit and audit of Trust Account	131	88	131	88
Courier and freight	58	59	58	59
Maintenance	458	602	458	602
Other	1,616	1,920	1,616	1,920
Total	18,726	19,175	18,726	19,175

Notes to the Financial Statements for the year ended 30 June 2010

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
(c) Depreciation and amortisation expenses				
Depreciation				
Leasehold Improvements	1,457	1,421	1,457	1,421
Plant and Equipment	1,082	1,565	1,082	1,565
Total	2,539	2,986	2,539	2,986
Amortisation				
Software	1,807	649	1,807	649
Total	1,807	649	1,807	649
Total	4,346	3,635	4,346	3,635

Refer Notes 1(h)(v), 1(h)(ix), 13 & 14.

(d) Grants and subsidies

Domestic Violence Court Assistance Program	6,609	4,140	6,609	4,140
Community Legal Centres	16,769	17,428	16,769	17,428
Cooperative Legal Service Delivery Program	209	322	209	322
Other	9	12	9	12
Total	23,596	21,902	23,596	21,902

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

(e) Finance costs

Unwinding of discount rate	90	537	90	537
Total	90	537	90	537

(f) Other expenses

Solicitor services provided by private practitioners	64,753	64,304	64,753	64,304
Barrister services provided by private practitioners	15,371	20,150	15,371	20,150
Disbursements	12,433	10,551	12,433	10,551
Total	92,557	95,005	92,557	95,005

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 Commission of NSW at the end of the reporting period.

3. REVENUE**(a) Sale of goods and services**

Rendering of services				
Family Law	1,173	1,260	1,173	1,260
Criminal Law	1,415	1,461	1,415	1,461
Civil Law	1,356	1,376	1,356	1,376
Commonwealth funding ¹	-	36,505	-	36,505
Total	3,944	40,602	3,944	40,602

Notes to the Financial Statements for the year ended 30 June 2010

Consolidated		Parent	
2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000

¹Base funding of \$50.276m, plus additional one off Commonwealth funding of \$4.4m and \$0.327m for Regional Innovations Program for Legal Services (\$53.091m in 2008/09) was received from the Commonwealth Government under the Provision of Legal Assistance Services 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). Therefore in 2009/10 the total amount of this funding is categorised as being part of State Appropriations.

(b) Investment revenue

Interest on outstanding accounts	97	99	97	99
Interest on cash assets	3,285	5,063	3,285	5,063
Total	3,382	5,162	3,382	5,162

Refer to Notes 1(g)(iii) & 24(b)

(c) Grants and contributions

Law Society Public Purpose Fund ¹	43,109	43,431	43,109	43,431
Commonwealth Government Community Legal Centre base grants ²	5,848	7,943	5,848	7,943
Other grants and contributions ³	3,960	2,680	3,960	2,680
Total	52,917	54,054	52,917	54,054

¹This fund provided a grant of \$38.227m (\$39.788m in 2008/09) to provide legal aid services in State matters.

Other specific grants from this fund include:

• Environmental Defenders Office	1,563	1,158	1,563	1,158
• Public Interest Advocacy Centre	1,160	610	1,160	610
• Children's Court Assistance Scheme	241	235	241	235
• Homeless Persons	533	520	533	520
• Older Persons Legal Service	615	600	615	600
• Financial Hardship and Mortgage Stress	520	520	520	520
• Intellectual disability service improvement	250	-	250	-
Total	4,882	3,643	4,882	3,643

² \$5.488m in Community Legal Centre (CLC) base grants plus additional one off funding for Women's Legal Services Limited NSW of \$0.11m and Community Legal Centres of \$0.25m, totalling \$5.848m (\$7.943m in 2008/09), 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.

Notes to the Financial Statements for the year ended 30 June 2010

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
³ Other Grants and contributions include:				
• Part of the Commonwealth Government Community Legal Centre base grants used to meet administrative costs	105	102	105	102
• Commonwealth Government special purposes funds for refugee matters under separate contract	253	237	253	237
• State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	179	175	179	175
• State Attorney General's Department Youth Drug Court	112	217	112	217
• Youth Conduct Order (YCO) Scheme	-	120	-	120
• State Attorney General's Department - Video Conferencing Facilities	286	373	286	373
• Commonwealth Government special funding for expensive criminal cases	2,206	1,451	2,206	1,451
• State Attorney General's Department Compulsory Drug Treatment Correction Centre	107	-	107	-
• State Attorney General's Department for Joined Up Justice Project	120	-	120	-
• Elsa Dixon Aboriginal Employment Program	53	-	53	-
• Aboriginal Employment Strategies	81	-	81	-
• Mortgage Stress Handbook	140	-	140	-
• Community Legal Education - Civil Law	82	-	82	-
• Family Resource Centres Training, Mentoring, Support & Pilot Projects	150	-	150	-
• Consumer Credit Casework Manual	70	-	70	-
• Other	16	5	16	5
Total	3,960	2,680	3,960	2,680
(d) Other revenue				
Miscellaneous	1,916	203	1,916	203
Total	1,916	203	1,916	203
4. LOSS ON DISPOSAL				
Loss on disposal of plant and equipment				
Proceeds from disposal	20	54	20	54
Less: Written down value of assets disposed	38	60	38	60
Total	(18)	(6)	(18)	(6)
5. OTHER GAINS / (LOSSES)				
Impairment gain/(loss) on receivables	(579)	354	(579)	354
Gain/(loss) on make good provision	108	-	108	-
Total	(471)	354	(471)	354

Notes to the Financial Statements for the year ended 30 June 2010

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
6. APPROPRIATIONS				
(a) Recurrent Appropriations				
Total recurrent drawdowns from Treasury (per Summary of Compliance) ¹	149,972	105,379	149,972	105,379
Less: Liability to Consolidated Fund (per Summary of Compliance)	72	-	72	-
Total	149,900	105,379	149,900	105,379
Comprising:				
Recurrent appropriations (per Statement of Comprehensive Income)	149,900	105,379	149,900	105,379
Total	149,900	105,379	149,900	105,379
(b) Capital Appropriations				
Total capital drawdowns from Treasury (per Summary of Compliance)	3,039	3,600	3,039	3,600
Total	3,039	3,600	3,039	3,600
Comprising:				
Capital appropriations (per Statement of Comprehensive Income)	3,039	3,600	3,039	3,600
Total	3,039	3,600	3,039	3,600
¹ The 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 \$36.505m, which is equivalent to 9 months of funding for the period July 2008-March 2009, with a commensurate increase in State Appropriations.				
7. INDIVIDUALLY SIGNIFICANT ITEMS				
The Legal Aid Commission of NSW's financial position for the State Authorities Superannuation schemes shows a net liability of \$17.295m at 30 June 2010 (\$13.759m in 2008/09), resulting in \$1.355m being taken up as a reduction to the superannuation expense for the year (\$1.795m reduction in 2008/09). In 2009/10, superannuation actuarial losses of \$4.891m are recognised outside of profit or loss in the 'Statement of Changes in Equity' (2008/2009: \$20.259m).				
State Authorities Superannuation schemes surplus/(deficit) for the year	1,355	1,795	-	-
State Authorities Superannuation schemes (deficit)- Statement of Changes to Equity	(4,891)	(20,259)	-	-
Total	(3,536)	(18,464)	-	-
Commonwealth Grant Funding received in 2009/10 (2008/09) for Community Legal Centres which was paid to them in 20010/11 (2009/10)	438	1,563	438	1,563
Total	438	1,563	438	1,563

Notes to the Financial Statements for the year ended 30 June 2010

Consolidated		Parent	
2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000

8. 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.

9. TRANSFER PAYMENTS

The Legal Aid Commission of NSW did not have any transfer payments in 2009/10 (nil in 2008/09).

10. 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 a 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.

11. CURRENT ASSETS - CASH AND CASH EQUIVALENTS

Cash at bank and on hand	2,832	8,616	2,832	8,616
Short term deposits	73,859	73,359	73,859	73,359
Total Cash	76,691	81,975	76,691	81,975

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

Cash and cash equivalent assets recognised in the Statement of Financial Position are reconciled at the end of the financial year to the Statement of Cash Flows as follows:

Cash and cash equivalents (per Statement of Financial Position)	76,691	81,975	76,691	81,975
Closing cash and cash equivalents (per Statement of Cash Flows)	76,691	81,975	76,691	81,975

Refer Note 24 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 \$0.019m (\$0.017m in 2008/09), which is the total of the credit limit for all issued credit cards. The balance in this facility is cleared monthly.

Notes to the Financial Statements for the year ended 30 June 2010

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
12. CURRENT/NON-CURRENT ASSETS - RECEIVABLES				
Current				
Sale of goods and services	1,414	1,755	1,414	1,755
Less: Allowance for impairment	218	199	218	199
	<u>1,196</u>	<u>1,556</u>	<u>1,196</u>	<u>1,556</u>
Other debtors	372	312	372	312
GST recoverable from Australian Taxation Office	2,671	3,360	2,671	3,360
Prepayments	503	1,065	503	1,065
Total Current	<u>4,742</u>	<u>6,293</u>	<u>4,742</u>	<u>6,293</u>
Non-Current				
Sale of goods and services	2,767	3,225	2,767	3,225
Less: Allowance for impairment	832	793	832	793
Total Non-Current	<u>1,935</u>	<u>2,432</u>	<u>1,935</u>	<u>2,432</u>
Movement in the allowance for impairment				
Balance at 1 July	992	1,573	992	1,573
Amounts written off during the year	(521)	(227)	(521)	(227)
Amounts recovered during the year	(5)	(11)	(5)	(11)
Increase/(decrease) in allowance	584	(343)	584	(343)
Balance at 30 June	<u>1,050</u>	<u>992</u>	<u>1,050</u>	<u>992</u>

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 24.

Receivables from the sale of goods and services (both current and non-current) in the amount of \$2.468m (\$2.813m in 2008/09) are secured by way of caveat.

13. NON-CURRENT ASSETS - PLANT AND EQUIPMENT**At 1 July - fair value**

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	<u>8,701</u>	<u>9,625</u>	<u>8,701</u>	<u>9,625</u>

At 30 June - fair value

Gross Carrying Amount	23,300	26,261	23,300	26,261
Less: Accumulated depreciation and impairment	12,981	17,560	12,981	17,560
Net Carrying Amount at Fair Value	<u>10,319</u>	<u>8,701</u>	<u>10,319</u>	<u>8,701</u>

Notes to the Financial Statements for the year ended 30 June 2010

Consolidated		Parent	
2010	2009	2010	2009
\$'000	\$'000	\$'000	\$'000

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	8,701	9,625	8,701	9,625
Additions	4,195	2,123	4,195	2,123
Disposals	(38)	(61)	(38)	(61)
Depreciation expense	(2,539)	(2,986)	(2,539)	(2,986)
Net carrying amount at end of year	10,319	8,701	10,319	8,701

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

14. INTANGIBLE ASSETS**At 1 July - fair value**

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

At 30 June - fair value

Gross Carrying Amount	8,022	10,357	8,022	10,357
Less: Accumulated depreciation and impairment	2,811	4,099	2,811	4,099
Net Carrying Amount at Fair Value	5,211	6,258	5,211	6,258

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	6,258	4,674	6,258	4,674
Additions (from internal development)	359	1,395	359	1,395
Additions (acquired separately)	401	838	401	838
Disposals	-	-	-	-
Amortisation (recognised in "depreciation and amortisation")	(1,807)	(649)	(1,807)	(649)
Net carrying amount at end of year	5,211	6,258	5,211	6,258

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

15. CURRENT LIABILITIES - PAYABLES

Accrued salaries, wages and on-costs	1,444	1,400	-	-
Office of the Legal Aid Commission - accrued salaries, wages and on-costs	-	-	1,444	1,400
Creditors - Legal	230	207	230	207
Creditors - Administrative	2,397	2,850	2,397	2,850
Liability to Consolidated Fund	72	-	72	-
Accrual of estimated legal expenses ¹	15,311	19,377	15,311	19,377
Total	19,454	23,834	19,454	23,834

¹Being 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 the end of the reporting period. Refer to Notes 1(i)(ii) & 2(f).

Notes to the Financial Statements for the year ended 30 June 2010

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
16. CURRENT/NON-CURRENT LIABILITIES - PROVISIONS				
Current				
Employee benefits and related on-costs				
Provision for recreation leave to be taken within 12 months	5,700	5,150	-	-
Provision for recreation leave to be taken after 12 months	803	975	-	-
Provision for long service leave to be taken within 12 months	2,569	1,130	-	-
Provision for long service leave to be taken after 12 months	10,345	10,672	-	-
Provision for related on-costs	3,088	2,597	-	-
Superannuation Liability (Refer Note 18)	17,295	13,759	-	-
Payable to the Office of the Legal Aid Commission - Superannuation	-	-	17,295	13,759
Office of the Legal Aid Commission - provision for personnel services	-	-	22,505	20,524
Total Current	39,800	34,283	39,800	34,283
Non-Current				
Employee benefits and related on-costs				
Provision for long service leave	972	1,491	-	-
Provision for related on-costs	297	306	-	-
Office of the Legal Aid Commission - provision for personnel services	-	-	1,269	1,797
	1,269	1,797	1,269	1,797
Other Provisions				
Restoration costs ¹	2,349	2,245	2,349	2,245
	2,349	2,245	2,349	2,245
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 Statement of Comprehensive Income.				
Total Provisions	3,618	4,042	3,618	4,042
Aggregate employee benefits and related on-costs				
Provisions - current	39,800	34,283	-	-
Provisions - non-current	1,269	1,797	-	-
Accrued salaries, wages and on-costs (Note 15)	1,444	1,400	-	-
	42,513	37,480	-	-
Movements in provisions (other than employee benefits)				
Carrying amount at start of financial year	2,245	1,708	2,245	1,708
Additional provisions recognised	123	-	123	-
Amounts used	1	-	1	-
Unused amounts reversed	108	-	108	-
Unwinding / change in the discount rate	90	537	90	537
Carrying amount at end of financial year	2,349	2,245	2,349	2,245

Notes to the Financial Statements for the year ended 30 June 2010

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
17. NON-CURRENT LIABILITY - OTHER				
Lease Incentive Liability	26	-	26	-
Total Non Current Liability - Other	26	-	26	-

18. 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.

	30 June 2010	30 June 2009
Fund assets		
The percentage invested in each asset class at the balance sheet dates:		
Australian equities	31.0%	32.1%
Overseas equities	26.8%	26.0%
Australian fixed interest securities	6.1%	6.2%
Overseas fixed interest securities	4.3%	4.7%
Property	9.5%	10.0%
Cash	9.6%	8.0%
Other	12.7%	13.0%

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.

Notes to the Financial Statements for the year ended 30 June 2010

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 2010	30 June 2009
(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	8.60%	8.13%
Discount rate	5.17%	5.59%

(iii) Demographic Assumptions

The demographic assumptions at 30 June 2010 are those used in the 2009 triennial actuarial valuation. The triennial review report is available from the NSW Treasury website.

Contribution recommendations

	SASS Multiple of member contributions	SANCS % member salary	SSS Multiple of member contributions
Recommended contribution rates for the year ending:			
30 June 2010	1.90	2.50	1.60
30 June 2009	1.90	2.50	1.60

Funding method

Contribution rates are set after discussions between the employer, STC and NSW Treasury.

Economic assumptions

The economic assumptions to be adopted for the 2010 actuarial review of the Fund are:

Weighted - Average Assumptions	30 June 2010	30 June 2009
Expected rate of return on Fund assets backing current pension liabilities	8.30%	8.30%
Expected rate of return on Fund assets backing other liabilities	7.30%	7.30%
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(i)(iii)(b), 2(a) & 7

Notes to the Financial Statements for the year ended 30 June 2010

The position of the superannuation funds at 30 June 2010 is as follows:

	SASS	SANCS	SSS	
Members Numbers				
Contributors	81	116	35	
Deferred benefits	-	-	8	
Pensioners	-	-	38	
Pensions fully commuted	-	-	13	
	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Superannuation Position for AASB 119 purposes				
Accrued liability	22,313	5,303	56,158	83,774
Estimated reserve account balance	(21,437)	(4,988)	(40,054)	(66,479)
	876	315	16,104	17,295
Future Service Liability ¹	(5,179)	(1,809)	(2,941)	(9,929)
Surplus in excess of recovery available from schemes	-	-	-	-
Net (asset) / liability to be recognised in the Statement of Financial Position	876	315	16,104	17,295

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>	18,953	4,661	51,055	74,669
Current service cost	805	220	474	1,499
Interest cost	1,029	252	2,822	4,103
Contributions by Fund participants	420	-	391	811
Actuarial (gains)/losses	1,741	446	3,447	5,634
Benefits paid	(635)	(276)	(2,031)	(2,942)
Present value of partly funded defined benefit obligations at end of the year	22,313	5,303	56,158	83,774

Reconciliation of the fair value of Fund assets

<i>Fair value of Fund assets at beginning of the year</i>	18,525	4,593	37,792	60,910
Expected return on fund assets	1,581	392	3,227	5,200
Actuarial gains/(losses)	693	24	26	743
Employer contributions	853	255	649	1,757
Contributions by Fund participants	420	-	391	811
Benefits paid	(635)	(276)	(2,031)	(2,942)
<i>Fair value of Fund assets at end of the year</i>	21,437	4,988	40,054	66,479

Notes to the Financial Statements for the year ended 30 June 2010

	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Reconciliation of the assets and liabilities recognised in the Statement of Financial Position				
Present value of partly funded defined benefit obligation at end of year	22,313	5,303	56,158	83,774
Fair value of Fund assets at end of year	(21,437)	(4,988)	(40,054)	(66,479)
<i>Subtotal</i>	876	315	16,104	17,295
Unrecognised past service cost	-	-	-	-
Unrecognised gain / (loss)	-	-	-	-
Adjustment for limitation on net asset	-	-	-	-
<i>Net Liability/(Asset) recognised in the Statement of Financial Position at end of year</i>	876	315	16,104	17,295
Expense recognised in the Statement of Comprehensive Income				
Components Recognised in the Statement of Comprehensive Income				
Current service cost	805	220	474	1,499
Interest cost	1,029	252	2,822	4,103
Expected return on Fund assets (net of expenses)	(1,581)	(392)	(3,227)	(5,200)
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	253	80	69	402
Amounts recognised in Other Comprehensive Income				
Actuarial losses	1,048	422	3,421	4,891
Adjustment for limit on net asset	-	-	-	-
	1,048	422	3,421	4,891
Cumulative amount recognised in Other Comprehensive Income				18,541
Cumulative actuarial losses				18,541
Actual return on Fund assets	1,745	416	3,453	5,614
Historical information				
Present value of defined benefit obligation	22,313	5,303	56,158	83,774
Fair value of Fund assets	(21,437)	(4,988)	(40,054)	(66,479)
(Surplus) / Deficit in Fund	876	315	16,104	17,295
Experience adjustments - Fund liabilities	1,741	446	3,447	5,634
Experience adjustments - Fund assets	(693)	(24)	(26)	(743)
Expected contributions				
Expected employer contributions to be paid in the next reporting period	798	252	626	1,676

Notes to the Financial Statements for the year ended 30 June 2010

	SASS \$'000	SANCS \$'000	SSS \$'000	Total \$'000
Funding arrangements for employer contributions				
<i>Surplus / deficit</i>				
The following is a summary of the 30 June 2010 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans":				
Accrued benefits	20,811	4,790	37,942	63,543
Net market value of Fund assets	(21,437)	(4,988)	(40,054)	(66,479)
<i>Net (surplus) / deficit</i>	(626)	(198)	(2,112)	(2,936)

The position of the superannuation funds at 30 June 2009 was as follows:

	SASS	SANCS	SSS	
Members Numbers				
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 the Statement of Financial Position	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 2010

	SASS \$'000	SANCS \$'000	SSS \$'000	Total \$'000
Reconciliation of the fair value of fund assets				
<i>Fair value of Fund assets at beginning of the year</i>	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)
<i>Fair value of Fund assets at end of the year</i>	18,525	4,593	37,792	60,910
Reconciliation of the assets and liabilities recognised in the Statement of Financial Position				
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	-	-	-	-
<i>Net (asset) / liability recognised in the Statement of Financial Position at end of year</i>	428	68	13,263	13,759
Expense recognised in the Statement of Comprehensive Income				
Components Recognised in the Statement of Comprehensive Income				
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	-	-	-	-
Movement in adjustment for limitation on net asset	-	-	-	-
Past service cost	-	-	-	-
Curtailment or settlement losses/(gains)	-	-	-	-
Expense/(income) recognised	332	75	(475)	(68)
Amounts recognised in Other Comprehensive Income				
Actuarial losses/(gains)	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 Other Comprehensive Income				
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 2010

	SASS \$'000	SANCS \$'000	SSS \$'000	Total \$'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	855	265	707	1,827
Funding arrangements for employer contributions				
<i>Surplus / deficit</i>				
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 superannuation expense recognised in the Statement of Comprehensive Income is included in the line item 'employee related expenses'. Superannuation actuarial losses of \$4.891m (2008/2009: \$20.259m) are separately identified in the 'Statement of Comprehensive Income'.

The cumulative amount of actuarial losses recognised in the 'Statement of Comprehensive Income' since 1 July 2004 is \$18.541m (2008/2009: \$13.650m)

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.

19. COMMITMENTS FOR EXPENDITURE**(a) Capital Commitments**

Aggregate capital expenditure contracted for at balance date and not provided for:

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Not later than one year	470	459	470	459
Total (including GST)	470	459	470	459

(b) Other Expenditure Commitments

Aggregate other expenditure contracted for at balance date and not provided for:

Not later than one year

Outstanding purchase orders	80	56	80	56
Estimated future commitment of external legal services ¹	41,643	35,312	41,643	35,312

Later than one year and not later than 5 years

Estimated future commitment of external legal services ¹	19,204	19,667	19,204	19,667
Total (including GST)	60,927	55,035	60,927	55,035

Notes to the Financial Statements for the year ended 30 June 2010

Consolidated		Parent	
2010	2009	2010	2009
\$'000	\$'000	\$'000	\$'000

¹Represents the estimated future commitment for external legal services provided for both in-house and assigned grants of aid. The future internal cost of cases conducted by 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	8,624	8,313	8,624	8,313
Later than one year and not later than 5 years	13,600	19,420	13,600	19,420
Later than 5 years	4,338	4,305	4,338	4,305
Total (including GST)	26,562	32,038	26,562	32,038

The operating lease commitments above relate to the rental of office accommodation and motor vehicles. Lease periods range from 1 - 7 years. Rental accommodation is indexed by either CPI, market or fixed annual increments.

The total commitments in (a), (b) and (c) above include input tax credits of \$7.997m (2008/09: \$7.957m) that are expected to be recoverable from the Australian Taxation Office.

20. 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 \$16,000 (2008/09: \$8,000)

21. BUDGET REVIEW

Statement of Comprehensive Income

Net Cost of Services

The actual net cost of services was higher than budget by \$5.7m. This is primarily due to higher expenditure on operating costs relating to expenditure on private legal practitioners \$8.8m, grants and subsidies \$2.1m, other operating expenses \$0.7m. This expenditure was partially offset by higher than budgeted funding from the Public Purpose Fund \$3.3m and additional Commonwealth grants funding \$1.9m.

Statement of Financial Position

Current Assets

Current assets were \$11.8m lower than budget. This net figure is primarily made up of a decrease in cash balances of \$10.2m and \$1.5m in receivables.

The decrease in cash balance resulted from expenditure relating to funds received in 2008-09 and higher than expected expenditure. The reduction in receivables relates to Debtors and GST.

Notes to the Financial Statements for the year ended 30 June 2010

Consolidated		Parent	
2010	2009	2010	2009
\$'000	\$'000	\$'000	\$'000

Statement of Cash Flows**Cash Flows from Operating Activities**

Cash payments exceeded budget by \$17.3m due primarily to higher than budgeted expenditure. This was due to carried forward Commonwealth funding (\$4.7m) for Other Expenditure, higher than budgeted funding from the Public Purpose Fund (\$3.3m) and additional Commonwealth funding received during the 2009/10 (\$4.4m). Grants & Subsidies payments exceeded budget by \$2.1m of which \$1.5m relates to Commonwealth funding received in 2008/09, but spent in 2009/10. GST was also \$1.3m higher than expected but this is offset by higher GST receipts.

Cash receipts were \$6.2m higher than budget due primarily to additional receipts from the Public Purpose Fund (\$3.3m), additional grants funding from the Commonwealth (\$1.9m) and GST receipts.

22. RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

Reconciliation of cash flows from operating activities to the net cost of services as reported in the Statement of Comprehensive Income

Net cash used on operating activities	2,151	3,393	2,151	3,393
Cash Flows from Government / Appropriations	152,939	108,979	152,939	108,979
Depreciation and amortisation	4,346	3,635	4,346	3,635
Recognition of assets funded by government	(1,681)	-	(1,681)	-
(Increase) / decrease in allowance for impairment	(58)	581	(58)	581
Increase / (decrease) in provisions	5,093	16,776	5,093	16,776
Increase / (decrease) in other liabilities	26	-	26	-
Actuarial losses on superannuation	(4,891)	(20,259)	-	-
(Increase) / decrease in prepayments and other assets	1,985	3,597	1,985	3,597
(Decrease) / increase in creditors	(4,380)	(1,149)	(4,380)	(1,149)
Loss on disposal of plant and equipment	18	6	18	6
Net cost of services	155,548	115,559	160,439	135,818

23. TRUST FUNDS

Legal Aid Commission of NSW administers, but does not control the funds in the following trust:

Legal Aid Commission Trust Account¹

Cash balance at the beginning of the financial year	1,418	693	1,418	693
Add: Receipts	4,389	3,432	4,389	3,432
Less: Expenditure	4,848	2,707	4,848	2,707
Cash balance at the end of the financial year	959	1,418	959	1,418

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(h)(xii).

Notes to the Financial Statements for the year ended 30 June 2010

¹Pursuant 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 Commission of NSW may recover some costs upon finalisation of these matters.

24. FINANCIAL INSTRUMENTS

Legal Aid Commission of NSW's principal financial instruments are outlined below. These financial instruments arise directly from Legal Aid NSW's operations or are required to finance Legal Aid NSW's operations. Legal Aid NSW does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

Legal Aid Commission of NSW's main risks arising from financial instruments are outlined below, together with Legal Aid NSW's objectives, policies and processes for measuring and managing risk. Further quantitative and qualitative disclosures are included throughout this financial statements.

The Board Audit and Risk Committee has overall responsibility for the establishment and oversight of risk management and reviews and agrees policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by Legal Aid Commission of NSW, to set risk limits and controls and to monitor risks. Compliance with policies is reviewed by the Internal Auditors on a continuous basis.

(a) Financial Instrument Categories

	Note	Category	Carrying Amount 2010 \$'000	Carrying Amount 2009 \$'000
Financial Assets				
Class:				
Cash & Cash equivalents	11	n/a	76,691	81,975
Receivables ¹	12	Receivables (at amortised cost)	3,504	4,301
Financial Liabilities				
Class:				
Payables ²	15	Financial Liabilities	17,772	21,825

¹Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

²Excludes statutory payables and unearned revenue (i.e. not within scope of AASB7)

(b) Credit Risk

Credit risk arises when there is the possibility of Legal Aid Commission of NSW's debtors defaulting on their contractual obligations, resulting in a financial loss to Legal Aid Commission of NSW. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance or impairment).

Notes to the Financial Statements for the year ended 30 June 2010

Credit risk arises from the financial assets of Legal Aid Commission of NSW, including cash, receivables and authority deposits. Legal Aid Commission of NSW has secured a portion of its receivables by way of caveat. Legal Aid Commission of NSW has not granted any financial guarantees.

Credit risk associated with Legal Aid Commission of NSW's financial assets, other than receivables, is managed through the selection of counterparties and establishment of minimum credit rating standards. Authority deposits held with NSW TCorp are guaranteed by the State.

Cash

Cash comprises cash on hand and Legal Aid 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 11. The average rate of interest earned on bank accounts was 3.51% (4.42% in 2008/9).

Receivables

All receivables are recognised as amounts receivable at reporting 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*) - 8%.

Based on past experience, debtors that are not past due (2010 \$0.102m; 2009:\$0.156m) and not less than 1 month past due (2010:\$0.775m; 2009:\$0.721m) are not considered impaired and together these represent 17.01% of the total debtors (2009 13.62%).

The only financial assets that are past due or impaired are "Sales of Goods and Services" in the "Receivables" category of the Statement of Financial Position.

	Total \$'000	Past due but not impaired ^{1,2} \$'000	Considered impaired ^{1,2} \$'000
2010			
< 3 months overdue	238	138	100
3 months - 6 months overdue	287	102	185
> 6 months overdue	2,525	535	1,990

Notes to the Financial Statements for the year ended 30 June 2010

	Total \$'000	Past due but not impaired ^{1,2} \$'000	Considered impaired ^{1,2} \$'000
2009			
< 3 months overdue	452	260	192
3 months - 6 months overdue	109	51	58
> 6 months overdue	3,382	410	2,972

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 Statement of Financial Position.

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 reporting date were earning an average interest rate of 4.55% (3.05% in 2008/09), while over the year the average interest rate was 3.74% (4.77% in 2008/09) on a weighted average deposit of \$79.204m (\$100.265m in 2008/09) 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.

	Consolidated		Parent	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Maturity analysis and interest rate exposure of financial liabilities:				
Payables:				
Weighted Average Effective Interest Rate	-	-	-	-
Nominal Amount ¹	17,772	21,825	17,772	21,825
Fixed Interest Rate	-	-	-	-
Variable Interest Rate	-	-	-	-
Non-interest bearing	-	-	-	-
Maturity Dates < 1 year	17,772	21,825	17,772	21,825
Maturity Dates 1-5 years	-	-	-	-
Maturity Dates > 5 years	-	-	-	-

Notes to the Financial Statements for the year ended 30 June 2010

¹The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities and therefore will not reconcile to the Statement of Financial Position.

(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.

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 reporting date. The analysis is performed on the same basis for 2009. 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.

	Carrying Amount	\$'000			
		-1%		1%	
		Profit	Equity	Profit	Equity
2010					
<i>Financial assets</i>					
Cash & cash equivalents	76,691	(767)	(767)	767	767
Receivables	3,504	(35)	(35)	35	35
<i>Financial liabilities</i>					
Payables	17,772	(178)	(178)	178	178
2009					
<i>Financial assets</i>					
Cash & cash equivalents	81,975	(820)	(820)	820	820
Receivables	4,301	(43)	(43)	43	43
<i>Financial liabilities</i>					
Payables	21,825	(218)	(218)	218	218

25. AFTER BALANCE DATE EVENTS

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

END OF AUDITED FINANCIAL STATEMENTS

Financial statements

In this section

Statement by the Chief Executive Officer	108
Independent Auditor's Report	109
Statement of Comprehensive Income	111
Statement of Financial Position	112
Statement of Changes In Equity	113
Statement of Cash Flows	114

Notes to the Financial Statements for the year ended 30 June 2010

Notes 1(a) – 1(i) Summary of significant accounting policies	115
2 Expenses	117
3 Revenue	117
4 Individually significant items	117
5 Acceptance by the crown entity of employee entitlements and other liabilities	118
6 Transfer payments	118
7 Programs/activities of the office	118
8 Current/non-current assets – receivables	118
9 Current liabilities – payables	118
10 Current/non-current liabilities – provisions	118
11 Superannuation fund information	119
12 Reconciliation of cash flows from operating activities to net cost of services	126
13 Contingent liabilities and contingent assets	126
14 Commitments for expenditure	127
15 Financial instruments	127
16 After balance date events	129

Other information

1 Payment performance	130
2 Annual reporting legislation requirements	130

Statement by the Chief Executive Officer

OFFICE OF THE LEGAL AID COMMISSION

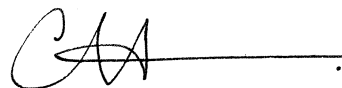
Statement by the Chief Executive Officer

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 2010*, applicable Australian Accounting Standards, (which include Australian Accounting Interpretations), the Financial Reporting Directions published in the Financial Reporting Code for Budget Dependent General Government Sector Agencies or issued by the Treasurer.
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 2010 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



Clare Hamilton
Chief Financial Officer

Independent auditor's 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 statements of the Office of the Legal Aid Commission (the Office), which comprises the statement of financial position as at 30 June 2010, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, a summary of significant accounting policies and other explanatory notes.

Auditor's Opinion

In my opinion, the financial statements:

- present fairly, in all material respects, the financial position of the Office as at 30 June 2010, and its financial performance for the year then ended in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations)
- are in accordance with section 41B of the *Public Finance and Audit Act 1983* (the PF&A Act) and the Public Finance and Audit Regulation 2010.

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

The Chief Executive Officer's Responsibility for the Financial Statements

The Chief Executive Officer is responsible for the preparation and fair presentation of the financial statements 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 financial statements that are 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 statements 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 statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, 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 statements 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 statements.

Independent auditor's report

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the Office
- that it has carried out its activities effectively, efficiently and economically
- 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
- mandating the Auditor-General as auditor of public sector agencies, but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their role by the possibility of losing clients or income.



Peter Coulogeorgiou
Director, Financial Audit Services

18 October 2010
SYDNEY

START OF AUDITED FINANCIAL STATEMENTS

Statement of Comprehensive Income for the year ended 30 June 2010

	Notes	Actual 2010 \$'000	Actual 2009 \$'000
Revenue			
Personnel services	3	82,781	95,440
Total Revenue		82,781	95,440
Less:			
Expenses			
Employee related	2	77,890	75,181
Total Expenses		77,890	75,181
SURPLUS/ (DEFICIT) FOR THE YEAR		4,891	20,259
Other Comprehensive Income			
Superannuation actuarial (losses)/gains	11	(4,891)	(20,259)
Other Comprehensive Income for the year		(4,891)	(20,259)
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		-	-

The accompanying notes form part of these financial statements.

Statement of Financial Position as at 30 June 2010

	Notes	Actual 2010 \$'000	Actual 2009 \$'000
ASSETS			
Current Assets			
Receivables	8	41,244	35,683
Total Current Assets		41,244	35,683
Non-Current Assets			
Receivables	8	1,269	1,797
Total Non-Current Assets		1,269	1,797
Total Assets		42,513	37,480
LIABILITIES			
Current Liabilities			
Payables	9	1,444	1,400
Provisions	10	39,800	34,283
Total Current Liabilities		41,244	35,683
Non-Current Liabilities			
Provisions	10	1,269	1,797
Total Non-Current Liabilities		1,269	1,797
Total Liabilities		42,513	37,480
Net Assets		-	-
EQUITY			
Accumulated Funds		-	-
Total Equity		-	-

The accompanying notes form part of these financial statements.

Statement of Changes in Equity for the year ended 30 June 2010

	Notes	Accumulated Funds \$'000	Asset Revaluation Surplus \$'000	Other Reserves \$'000	Total \$'000
Balance at 1 July 2009		-	-	-	-
Changes in accounting policy		-	-	-	-
Correction of errors		-	-	-	-
Restated total equity at 1 July 2009		-	-	-	-
Surplus/(deficit) for the year		4,891	-	-	4,891
Other comprehensive income:					
Net increase/(decrease) in plant and equipment		-	-	-	-
Changes in restoration liability		-	-	-	-
Other comprehensive income:					
Superannuation actuarial (losses)/gains	11	(4,891)	-	-	(4,891)
Total other comprehensive income		(4,891)	-	-	(4,891)
Total comprehensive income for the year		-	-	-	-
Balance at 30 June 2010		-	-	-	-
Balance at 1 July 2008		-	-	-	-
Changes in accounting policy		-	-	-	-
Correction of errors		-	-	-	-
Restated total equity at 1 July 2008		-	-	-	-
Surplus/(deficit) for the year		20,259	-	-	20,259
Other comprehensive income:					
Net increase/(decrease) in plant and equipment		-	-	-	-
Changes in restoration liability		-	-	-	-
Other comprehensive income:					
Superannuation actuarial (losses)/gains	11	(20,259)	-	-	(20,259)
Total other comprehensive income		(20,259)	-	-	(20,259)
Total comprehensive income for the year		-	-	-	-
Balance at 30 June 2009		-	-	-	-

The accompanying notes form part of these financial statements.

Statement of Cash Flows for the year ended 30 June 2010

	Notes	Actual 2010 \$'000	Actual 2009 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee related		(77,582)	(73,655)
Total Payments		(77,582)	(73,655)
Receipts			
Legal Aid Commission - personnel services		77,582	73,655
Total Receipts		77,582	73,655
NET CASH FLOWS FROM OPERATING ACTIVITIES	12	-	-
NET INCREASE IN CASH			
Opening cash and cash equivalents		-	-
CLOSING CASH AND CASH EQUIVALENTS		-	-

The accompanying notes form part of these financial statements.

Notes to the Financial Statements for the year ended 30 June 2010

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Reporting entity

The Office of the Legal Aid Commission (the Office) is a Division of the Government Service, established pursuant to Part 1 of Schedule 1 to the *Public Sector Employment and Management Act 2002*. It is a not-for-profit entity as profit is not its principal objective. It is consolidated as part of the Legal Aid Commission of New South Wales Accounts. It is domiciled in Australia and its principal office is at 323 Castlereagh Street, Haymarket, Sydney.

The Office's objective is to provide personnel services to the Legal Aid Commission of New South Wales, the parent entity, at cost.

The financial statements were authorised for issue by the Chief Executive Officer on 14 October 2010.

(b) Basis of preparation

The Commission's financial statements are 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 statements are prepared in accordance with the historical cost convention and the financial statements do not take into account changing money values or current valuations.

The accrual basis of accounting has been adopted in the preparation of the financial statements, except for cash flow information. Judgements, key assumptions and estimates are disclosed in the relevant notes to the financial statements. 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 Statement of Comprehensive Income.

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 Statement of Comprehensive Income.

(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

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.

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.

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*.

Notes to the Financial Statements for the year ended 30 June 2010

Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. An actuarial firm was engaged to undertake a calculation of the Office of the Legal Aid Commission's long service leave provision for 2009/10. The long service payments are discounted at 5.1%, (7.74% in 2008/09).

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 Statement of Financial Position as an unfunded liability or prepaid contribution. Refer Notes 2, 10 & 11.

(h) Comparative Information

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.

(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 2010 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 9 and AASB 2009-11 regarding financial instruments
- AASB 2009-5 regarding annual improvements
- AASB 2009-8 regarding share based payments
- AASB 2009-9 regarding first time adoption
- AASB 2009-10 regarding classification of rights
- AASB 124 and AASB 2009-12 regarding related party transactions
- Interpretation 19 and AASB 2009-13 regarding extinguishing financial liability with equity instruments
- AASB 2009-14 regarding prepayments of a minimum funding requirement
- AASB 2010-1 regarding AASB 7 comparatives for first time adopters
- AASB 1053 - Application of Tiers of Australian Accounting Standards

It is considered that the impact of these new Standards and Interpretations in future periods will have no material impact on the financial statements of the Office of the Legal Aid Commission.

Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$'000	2009 \$'000
2. EXPENSES		
Employee related expenses		
Salaries and wages (including recreation leave)	65,747	63,645
Superannuation - defined benefit plans *	402	(68)
Superannuation - defined contribution plans	4,818	4,571
Long service leave	2,325	2,280
Workers' compensation insurance	278	563
Payroll tax and fringe benefits tax	4,320	4,190
Total	77,890	75,181

The Office does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,112 (\$2,112 in 2008/09) are paid on the Office's behalf by the Parent entity, the Legal Aid Commission of New South Wales.

* Refer Note 11. Superannuation actuarial losses of \$4.891m (2008/09: \$20.259m) are recognised in the 'Statement of Changes in Equity'. Total superannuation expense, including actuarial losses recognised in the 'Statement of Comprehensive Income' is \$10.111m (2008/09: \$24.762m).

3. REVENUE

Rendering of services		
Personnel services revenue	82,781	95,440
Total	82,781	95,440

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 \$17.295m at 30 June 2010 (2008/09: \$13.759m), resulting in \$1.355m being taken up as a reduction to the superannuation expense for the year (2008/09: \$1.795m reduction). In 2009/10, superannuation actuarial losses of \$4.891m are recognised outside of profit or loss in the 'Statement to Changes in Equity' (2008/09: \$20.259m).

State Authorities Superannuation schemes surplus/(deficit)	1,355	1,795
State Authorities Superannuation schemes (deficit)/surplus - Statement of Changes to Equity	(4,891)	(20,259)
Total	(3,536)	(18,464)

Refer Notes 2, 10, 11.

Notes to the Financial Statements for the year ended 30 June 2010

	2010	2009
	\$'000	\$'000

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

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

6 TRANSFER PAYMENTS

The Office did not have any transfer payments in 2009/10 (nil in 2008/09).

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	1,444	1,400
Legal Aid Commission - provision for employee benefits ¹	22,505	20,524
Receivable from Legal Aid Commission of NSW - Superannuation liability	17,295	13,759
Total Current	41,244	35,683

Non- Current

Legal Aid Commission - provision for employee benefits ¹	1,269	1,797
Total Non-Current	1,269	1,797

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 10.

9. CURRENT LIABILITIES - PAYABLES**Current**

Accrued salaries, wages and on-costs	1,444	1,400
Total Current	1,444	1,400

10. CURRENT/NON CURRENT LIABILITIES - PROVISIONS**Current****Employee benefits and related on-costs**

Provision for recreation leave to be taken within 12 months	5,700	5,150
Provision for recreation leave to be taken after 12 months	803	975
Provision for long service leave to be taken within 12 months	2,569	1,130
Provision for long service leave to be taken after 12 months	10,345	10,672
Provision for related on-costs	3,088	2,597
Superannuation Liability (Refer Note 11)	17,295	13,759
Total Current	39,800	34,283

Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$'000	2009 \$'000
Non-Current		
Employee benefits and related on-costs		
Provision for long service leave	972	1,491
Provision for related on-costs	297	306
Total Non-Current	<u>1,269</u>	<u>1,797</u>
Aggregate employee benefits and related on-costs		
Provisions - current	39,800	34,283
Provisions - non-current	1,269	1,797
Accrued salaries, wages and on-costs (Note 9)	1,444	1,400
	<u>42,513</u>	<u>37,480</u>

11. 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.

	30 June 2010	30 June 2009
Fund assets		
The percentage invested in each asset class at the balance sheet dates:		
Australian equities	31.0%	32.1%
Overseas equities	26.8%	26.0%
Australian fixed interest securities	6.1%	6.2%
Overseas fixed interest securities	4.3%	4.7%
Property	9.5%	10.0%
Cash	9.6%	8.0%
Other	12.7%	13.0%

Fair value of Fund assets

All Fund assets are invested by STC at arm's length through independent fund managers.

Notes to the Financial Statements for the year ended 30 June 2010

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

	30 June 2010	30 June 2009
Salary increase rate (excluding promotional increases)	3.50%	3.50%
Rate of CPI increase	2.50%	2.50%
Expected rate of return on assets	8.60%	8.13%
Discount rate	5.17%	5.59%

(iii) Demographic Assumptions

The demographic assumptions at 30 June 2010 are those used in the 2009 triennial actuarial valuation. The triennial review report is available from the NSW Treasury website.

Contribution recommendations

	SASS Multiple of member contributions	SANCS % member salary	SSS Multiple of member contributions
Recommended contribution rates for the year ending:			
30 June 2010	1.90	2.50	1.60
30 June 2009	1.90	2.50	1.60

Notes to the Financial Statements for the year ended 30 June 2010

Funding method

Contribution rates are set after discussions between the employer, STC and NSW Treasury.

Economic assumptions

The economic assumptions to be adopted for the 2010 actuarial review of the Fund are:

Weighted - Average Assumptions

	30 June 2010	30 June 2009
Expected rate of return on Fund assets backing current pension liabilities	8.30%	8.30%
Expected rate of return on Fund assets backing other liabilities	7.30%	7.30%
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 2010 is as follows:

	SASS	SANCS	SSS	
Members Numbers				
Contributors	81	116	35	
Deferred benefits	-	-	8	
Pensioners	-	-	38	
Pensions fully commuted	-	-	13	
	SASS	SANCS	SSS	Total
	\$'000	\$'000	\$'000	\$'000
Superannuation Position for AASB 119 purposes				
Accrued liability	22,313	5,303	56,158	83,774
Estimated reserve account balance	(21,437)	(4,988)	(40,054)	(66,479)
	876	315	16,104	17,295
Future Service Liability ¹	(5,179)	(1,809)	(2,941)	(9,929)
Surplus in excess of recovery available from schemes	-	-	-	-
Net (asset) / liability to be recognised in the Statement of Financial Position.	876	315	16,104	17,295

Notes to the Financial Statements for the year ended 30 June 2010

SASS	SANCS	SSS	Total
\$'000	\$'000	\$'000	\$'000

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>	18,953	4,661	51,055	74,669
Current service cost	805	220	474	1,499
Interest cost	1,029	252	2,822	4,103
Contributions by Fund participants	420	-	391	811
Actuarial (gains)/losses	1,741	446	3,447	5,634
Benefits paid	(635)	(276)	(2,031)	(2,942)
<i>Present value of partly funded defined benefit obligations at end of the year</i>	22,313	5,303	56,158	83,774

Reconciliation of the fair value of Fund assets

<i>Fair value of Fund assets at beginning of the year</i>	18,525	4,593	37,792	60,910
Expected return on fund assets	1,581	392	3,227	5,200
Actuarial gains/(losses)	693	24	26	743
Employer contributions	853	255	649	1,757
Contributions by Fund participants	420	-	391	811
Benefits paid	(635)	(276)	(2,031)	(2,942)
<i>Fair value of Fund assets at end of the year</i>	21,437	4,988	40,054	66,479

Reconciliation of the assets and liabilities recognised in the Statement of Financial Position

Present value of partly funded defined benefit obligation at end of year	22,313	5,303	56,158	83,774
Fair value of Fund assets at end of year	(21,437)	(4,988)	(40,054)	(66,479)
<i>Subtotal</i>	876	315	16,104	17,295
Unrecognised past service cost	-	-	-	-
Unrecognised gain / (loss)	-	-	-	-
Adjustment for limitation on net asset	-	-	-	-
<i>Net Liability/(Asset) recognised in Statement of Financial Position at end of year</i>	876	315	16,104	17,295

Notes to the Financial Statements for the year ended 30 June 2010

	SASS \$'000	SANCS \$'000	SSS \$'000	Total \$'000
Expense recognised in the Statement of Comprehensive Income				
Components Recognised in the Statement of Comprehensive Income				
Current service cost	805	220	474	1,499
Interest cost	1,029	252	2,822	4,103
Expected return on Fund assets (net of expenses)	(1,581)	(392)	(3,227)	(5,200)
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	253	80	69	402
Amounts recognised in Other Comprehensive Income				
Actuarial losses	1,048	422	3,421	4,891
Adjustment for limit on net asset	-	-	-	-
	1,048	422	3,421	4,891
Cumulative amount recognised in Other Comprehensive Income				
Cumulative actuarial losses				18,541
				18,541
Actual return on Fund assets	1,745	416	3,453	5,614
Historical information				
Present value of defined benefit obligation	22,313	5,303	56,158	83,774
Fair value of Fund assets	(21,437)	(4,988)	(40,054)	(66,479)
(Surplus) / Deficit in Fund	876	315	16,104	17,295
Experience adjustments - Fund liabilities	1,741	446	3,447	5,634
Experience adjustments - Fund assets	(693)	(24)	(26)	(743)
Expected contributions				
Expected employer contributions to be paid in the next reporting period	798	252	626	1,676
Funding arrangements for employer contributions				
<i>Surplus / deficit</i>				
The following is a summary of the 30 June 2010 financial position of the Fund calculated in accordance with AAS 25 "Financial Reporting by Superannuation Plans":				
Accrued benefits	20,811	4,790	37,942	63,543
Net market value of Fund assets	(21,437)	(4,988)	(40,054)	(66,479)
<i>Net (surplus) / deficit</i>	(626)	(198)	(2,112)	(2,936)

Notes to the Financial Statements for the year ended 30 June 2010

	SASS	SANCS	SSS	
The position of the superannuation funds at 30 June 2009 was as follows:				
Members Numbers				
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	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 the Statement of Financial Position	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 2010

	SASS \$'000	SANCS \$'000	SSS \$'000	Total \$'000
Reconciliation of the fair value of fund assets				
<i>Fair value of Fund assets at beginning of the year</i>	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)
<i>Fair value of Fund assets at end of the year</i>	18,525	4,593	37,792	60,910
Reconciliation of the assets and liabilities recognised in the Statement of Financial Position				
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	-	-	-	-
<i>Net (asset)/liability recognised in Statement of Financial Position at end of year</i>	428	68	13,263	13,759
Expense recognised in the Statement of Comprehensive Income				
Components Recognised in the Statement of Comprehensive Income				
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	-	-	-	-
Movement in adjustment for limitation on net asset	-	-	-	-
Past service cost	-	-	-	-
Curtailement or settlement losses/(gains)	-	-	-	-
Expense/(income) recognised	332	75	(475)	(68)
Amounts recognised in Other Comprehensive Income				
Actuarial losses/(gains)	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 Other Comprehensive Income				
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 2010

	SASS \$'000	SANCS \$'000	SSS \$'000	Total \$'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	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)
Net (surplus) / deficit	(648)	(332)	(1,441)	(2,421)

The superannuation expense recognised in the Statement of Comprehensive Income is included in the line item 'employee related expenses'. Superannuation actuarial losses of \$4.891m (2008/2009: \$20.259m) are separately identified in the 'Statement of Comprehensive Income'.

The cumulative amount of actuarial losses recognised in the 'Statement of Comprehensive Income' since 1 July 2004 is \$18.541m (2008/2009: \$13.650m)

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.

12 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET COST OF SERVICES

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

	2010 \$'000	2009 \$'000
Net cash from operating activities	-	-
Increase / (decrease) in provisions	4,989	15,686
(Increase) / decrease in prepayments and other assets	(5,033)	(11,549)
(Decrease) / increase in creditors	44	(4,137)
Net cost of services	-	-

13. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Office has no contingent liabilities or assets at 30 June 2009 (nil at 30 June 2008).

Notes to the Financial Statements for the year ended 30 June 2010

14. COMMITMENTS FOR EXPENDITURE

The Office did not have any expenditure commitments in 2009/10 (nil in 2008/09).

15. FINANCIAL INSTRUMENTS

The Office's principal financial instruments are outlined below. These financial instruments arise directly from the Office's operations or are required to finance the Office's operations. The Office does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

(a) Financial Instrument Categories	Note	Category	Carrying Amount 2010 \$'000	Carrying Amount 2009 \$'000
Financial Assets				
Class:				
Receivables ¹	8	Receivables (at amortised cost)	1,444	1,400
Financial Liabilities				
Class:				
Payables ²	9	Financial Liabilities measured at amortised cost	1,444	1,400

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.

Notes to the Financial Statements for the year ended 30 June 2010

	2010	2009
	\$'000	\$'000

The table below summarises the maturity profile of the Office's financial liabilities, together with the interest rate exposure.

Maturity analysis and interest rate exposure of financial liabilities:

Payables:

Weighted Average Effective Interest Rate		
Nominal Amount ¹	1,444	1,400
Fixed Interest Rate	-	-
Variable Interest Rate	-	-
Non-interest bearing	-	-
Maturity Dates < 1 year	1,444	1,400
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 'Statement of Financial Position'.

(d) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. The Office's exposure to market risk is minimal. The Office has no exposure to foreign currency risk and does not enter into commodity contracts.

Notes to the Financial Statements for the year ended 30 June 2010

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. The Office's exposure to interest rate risk is set out below.

	Carrying Amount	\$'000			
		Profit	-1% Equity	Profit	1% Equity
2010					
<i>Financial assets</i>					
Receivables	1,444	(14)	(14)	14	14
<i>Financial liabilities</i>					
Payables	1,444	(14)	(14)	14	14
2009					
<i>Financial assets</i>					
Receivables	1,400	(14)	(14)	14	14
<i>Financial liabilities</i>					
Payables	1,400	(14)	(14)	14	14

16. AFTER BALANCE DATE EVENTS

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

END OF AUDITED FINANCIAL STATEMENTS

Other information

1. PAYMENT PERFORMANCE

(a) Payments to Creditors

Legal Aid NSW processed 95.4% of invoices received within 30 days during 2009-2010 compared to 94.12% in 2008-2009.

Period	2010 Invoices	2009 %	2010 Invoices	2009 %
Within 30 days	115,542	95.4	100,790	94.12
Over 30 days	5,577	4.6	6,299	5.88
Total	121,119	100.00	107,089	100.00

Accounts paid within 30 days by quarter is as follows:

Quarter	Target %	Achieved %	Amount paid within 30 days \$'000	Total amount paid \$'000
September	100.0	97.09	33,703	34,712
December	100.0	97.87	33,025	33,743
March	100.0	96.37	26,793	27,802
June	100.0	98.52	33,580	34,085

(b) Ageing of creditors

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	253	12	13	1	-
December	69	53	1	-	12
March	417	26	1	-	6
June	206	24	-	-	-

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.

Audit Remuneration

Audit fees comprise

	2010 \$'000	2009 \$'000
Audit Office of NSW	123	131
Deloitte Touche Tohmatsu	103	78
IAB Services	18	10
Other	10	-
Total	254	219

Refer to Note 2(b) in the Financial Report.

Consultants

Engagements equal to or more than \$30,000

Consultants	\$	Purpose
Deloitte Touche Tohmatsu	30,075	Costing Survey & Review
Finity Consulting Pty Ltd	41,241	Criminal Review
Herne Gray and Associates Pty Ltd	47,850	Program Review
Public Interest Advocacy Centre	40,000	Development of Pilot – Law for Non Lawyers
Susan Cunningham	81,730	Workplace Relationship Advice
Victoria Legal Aid	30,000	Civil Law Project
Total	270,896	

Engagements Less than \$30,000

Total Number - 13	125,747
Total Consultants	396,643

Refer to Note 2(b) in the Financial Report.

Other information

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 2009-2010 deposit premium for workers compensation insurance increased by 30.4% to \$395,640 (2008-2009 \$303,460) whilst the deposit premium for motor vehicles increased by 1% to \$27,600 in 2009-2010.

Motor Vehicle Claims

The number of motor vehicle claims in 2009-2010 was 28 (8 in 2008-2009) which incurred a net cost of \$71,908 (\$17,739 in 2008-2009). The average number of vehicles in the Legal Aid fleet in 2009-2010 was 49 (48 in 2008-2009) which results in an average claim cost per vehicle of \$1,468 compared to \$369 in 2008-2009.

The increased number of claims and cost in 2009-2010 was mainly due to the rectification of accumulated damage on 19 vehicles which had reached the end of their lease term.

Worker's Compensation

The number of accepted claims (includes claims accepted under provisional liability) increased from 29 in 2008-2009 to 32 in 2009-2010.

The cost incurred to 30 June 2010 of new claims reported in 2009-2010 was \$242,728 compared to \$155,074 in 2008-2009 which is an increase of \$87,654.

There was a decrease in psychological injuries from 8 in 2008-2009 to 5 in 2009-2010 at a cost of \$126,105 or 51.95% of the cost of claims for 2009/10. Of these 5 claims, 3 were accepted, 1 declined, and 1 not accepted.

The majority of the remaining claims were for 12 fall/slip injuries and 13 body stress claims amounting to \$113,419.

The number of full time equivalent (FTE) (on average) staff for this financial year is 827.80, an increase of 3.46 from 824.34 in 2008-2009. This equates to an average claim cost of \$293.22 per staff member compared to \$188.12 in 2008-2009.

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 2009-2010 Legal Aid NSW invested its available funds in the NSW Treasury Corporation's 11am Call Account. The average yield for this account was 3.62% (4.68% in 2008-2009). 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 3.71% (4.86% in 2008-2009).

Legal Aid NSW provides for its daily expenditure needs via an on-call bank account. Legal Aid NSW's current banker is the Westpac Banking Corporation, (WBC). The average yield obtained from this account was 3.51% (2.5% in 2008-2009).

Income of \$3.285m was derived from the investment of Legal Aid NSW funds during 2009-2010 compared to \$5.063m in 2008-2009. The variation was due to decreased interest rates.

Appendices

In this section

CEO's performance statement and committee membership	134
Community Legal Centres (CLCs) Funding Program	135
Women's Domestic Violence Court Advocacy Program (WDVCAP) funding	136
Publications and resources	137
Learning and development	138
Human resources information	140
EEO groups	141
Law reform submissions	142
Explanatory notes to counting and interpreting data	143
Legal practice operational statistics	144
Freedom of information (FOI)	148
Disability Action Plan	150
Multicultural Action Plan	151
Significant committees	152
Working with other organisations	155
Policies in brief	157
Glossary	160
Index	162
Five year performance: key trends	164

SECTION

6

CEO's performance statement

Alan Kirkland provided effective management to Legal Aid NSW through a period of significant change.

Key achievements in 2009-2010 included:

- an increase in the rate of Aboriginal employment from 3.6 to 4.6% (page 48);
- continued expansion of homeless outreach services (page 17);
- securing funding for an expansion of legal services for women and children escaping domestic violence, as part of the New South Wales Domestic and Family Violence Action Plan (page 37);
- implementing the expansion of the Women's Domestic Violence Court Advocacy Program (page 37);
- introducing a new program of legal assistance services in Family Relationship Centres (page 19);
- launching a new intranet for staff (page 54);
- establishing the Intellectual Disability Service Improvement Project, in partnership with the Intellectual Disability Rights Service (page 36);
- production of a new *Mortgage Rescue* DVD, providing information for people facing home repossession (pages 13, 20);
- launching a new community legal education program for young Aboriginal people (page 27); and
- establishment of a funded weekend bail service in Newcastle (page 24).

Mr Kirkland also assisted in the negotiation of the new National Partnership Agreement on Legal Assistance Services, which will provide \$10 million in additional Commonwealth funding to Legal Aid NSW in 2010-2011 (page 68).

CEO's membership on key committees

Aboriginal Justice Committee
 Access and Equity Committee
 Audit and Risk Committee
 Board of Legal Aid NSW
 Domestic and Family Violence Committee

Internal committees

Learning and Development Executive Committee
 Peak Consultative Committee

External committees

Department of Justice and Attorney General – Justice Executive
 LawAccess NSW Board
 Law Week Board
 Legal Information Access Centre Advisory Board
 National Legal Aid Directors
 National Legal Aid Consumer Law Working Group
 National Legal Aid Human Resources Working Group
 NSW Legal Assistance Forum
 Prime Minister's Council on Homelessness
 Pro Bono Legal Services Committee
 Public Interest Advocacy Centre Board

Community Legal Centres Funding Program

We provided funding to 35 Community Legal Centres (CLCs) across NSW.

Community Legal Centre	Commonwealth funding (\$)	State funding (\$)	Public Purpose funding (\$)	Total payments (\$)
Central Coast	248,545	16,461	163,845	428,851
CLC'S NSW	-	261,676		261,676
Consumer Credit.	136,348	123,276	280,000	539,624
Court Support Scheme	32,504	5,844	5,520	43,868
Domestic Violence Advocacy Service	-	409,761		409,761
Elizabeth Evatt CLS	224,393	166,750	60,000	451,143
Environmental Defender's Office	92,448	179,200	1,563,000	1,834,648
Far West	245,216	-	65,001	310,217
Hawkesbury/ Nepean	261,881	119,735	60,000	441,616
HIV/AIDS	66,668	80,207	130,000	276,875
Hume Riverina CLS		-	73,001	73,001
Hunter	316,962	239,127	19,384	575,473
Illawarra	522,216	188,516	53,846	764,578
Immigration Advice & Rights Centre	119,657	227,204		346,861
Inner City	154,389	151,455	60,000	365,844
Intellectual Disability Rights Service	-	-	207,550	207,550
Kingsford	166,837	121,800		288,637
Macarthur	272,117	185,863	53,845	511,825
Macquarie	263,602	259,030	215,378	738,010
Marrickville	276,489	269,579		546,068
Mt Druitt & Area	192,904	16,440	93,001	302,345
NSW Disability Discrimination	197,804	36,629	70,000	304,433
North & North West CLS	249,337	16,524	100,000	365,861
Northern Rivers	325,005	22,356	100,000	447,361
Public Interest Advocacy Centre	162,412	114,960	1,160,000	1,437,372
Redfern Legal Centre	153,828	235,280		389,108
Refugee Advice & Casework Service	-	-	100,000	100,000
Shoalcoast	301,981	114,278		416,259
South West Sydney	304,429	222,047		526,476
Tenants' Union of NSW	73,900	114,684		188,584
The Aged-care Rights Service	33,252	2,339	205,560	241,151
Welfare Rights Centre	223,756	115,760		339,516
Western NSW	328,541	22,622	100,000	451,163
Warringa Baiya AWLC	-	332,291	100,000	432,291
Women's Legal Service	1,061,449	303,611		1,365,060
Grants for interpreter services		43,511		43,511
Total	\$7,008,870	\$4,718,818	\$5,038,929	\$16,766,617

Women's Domestic Violence Court Advocacy Program funding

As part of the program, we provided funding to 28 Women's Domestic Violence Court Advocacy Services (WDVCASs).

WDVCAS	Service provider	Total payments (\$)
Blue Mountains	Elizabeth Evatt Community Legal Centre	171,505
Burwood	Burwood Community Welfare Services Inc	216,570
Central Coast	Central Coast Domestic Violence Court Advocacy Service	286,637
Central West	Central Tablelands Housing Association	126,391
Far South Coast	Southern Women's Group Inc	170,717
Far West	Far West Community Legal Centre Inc	170,272
Hunter	Hunter Women's Domestic Violence Court Service Inc	356,061
Hunter Valley	Carrie's Place Womens and Children's Services Inc	241,288
Illawarra	Wollongong Women's Centre	279,842
Macarthur	Macarthur Legal Centre	245,412
Macquarie	Macquarie Legal Centre Inc	261,930
Mid-North Coast	Mid Coast Women's Domestic Violence Court Advocacy Inc	213,326
New England	The Women's Shelter Armidale Inc	177,456
North Coast	Warrina Women and Children's Refuge Co-operative Society Ltd	297,324
North West	Moree Women's Domestic Violence Assistance Inc	157,985
North West Sydney	Hawkesbury Nepean Community Legal Centre	269,585
Northern Rivers	Northern Rivers Community Legal Centre	311,345
Northern Sydney	Centacare Broken Bay	251,848
Riverina	Kulkuna Cottage Women's Refuge Ltd	159,302
South Coast	YWCA NSW	176,750
South Eastern	Molonglo Women's and Children's Services	166,411
South West Sydney	South West Sydney Legal Centre Inc	343,924
Southern	Women's Centre Albury-Wodonga Inc	154,311
Southern Sydney	Sutherland Shire Family Services Inc	343,845
Sydney	Redfern Legal Centre Inc	385,642
Wagga Wagga	Wagga Wagga Family Support Services Inc	191,945
Western	Western Women's Domestic Violence Court Advocacy Service Inc	279,886
Western Sydney	Penrith Women's Health Centre Inc	308,094
Total		6,715,604

Publications and resources

We produce over 55 publications in 30 languages. In 2009-2010, we distributed 634,496 free publications to members of the community and other agencies.

Key for 2009-2010

+ *New publications*

* *New language*

^ *Updated to comply with new laws, and as part of continuous review.*

General brochures

Client service charter

Do you have a legal problem?

(also in Arabic, Bengali*, Cambodian, Traditional Chinese, Simplified Chinese*, Croatian, Greek, Hindi*, Indonesian, Italian, Khmer, Korean, Laotian, Macedonian, Serbian, Spanish, Tamil*, Turkish, Vietnamese; large print version)

Questions to ask your lawyer

How to make a complaint to Legal Aid NSW

Family law

^What happens when your relationship ends? (also in Arabic, Traditional Chinese, Farsi*, Korean*, Spanish, Turkish*, Vietnamese)

Caring for kids in Aboriginal families

^Child Support Service (also in Arabic, Traditional Chinese, Farsi*, Korean*, Spanish, Turkish*, Vietnamese)

^De facto relationships and family law

^Working out what's best for my children - (also in Arabic, Traditional Chinese, Farsi*, Korean*, Spanish, Turkish*, Vietnamese)

My ex-partner has taken our children without my permission... what can I do? (also in Arabic*, Traditional Chinese*, Vietnamese*)

My ex-partner isn't following the court orders about our children. What can I do?

Domestic violence

+Are you experiencing domestic violence? (also in Arabic*, simplified Chinese*, Vietnamese*)

^Apprehended Violence Orders: for applicants (also in Arabic*, Traditional Chinese*, Vietnamese*)

^Apprehended Violence Orders: for defendants (also in Arabic*, Traditional Chinese*, Vietnamese*)

Domestic Violence offences: for defendants (also in Arabic*, Traditional Chinese*, Vietnamese*)

^Advice about domestic violence and help at court (also in Arabic, Traditional Chinese, Simplified Chinese*, Farsi, Indonesian*, Korean, Spanish, Tagalog, Thai, Turkish*, Vietnamese); +Aboriginal version

Criminal law

Applying for Supreme Court bail (also in Arabic*, Traditional Chinese*, Vietnamese*)

+Appealing Local Court decisions

^Character references (also in Arabic, Traditional Chinese, Vietnamese)

Facing a committal

Going to court for defendants (also in Arabic*, Traditional Chinese*, Vietnamese*)

Breaching parole

Pleading guilty to a drink driving charge (also in Arabic, Traditional Chinese, Vietnamese)

Police powers, your rights and responsibilities – (also in Arabic*, Traditional Chinese*, Vietnamese*)

+Reviewing Local Court decisions

Understanding bail (also in Arabic*, Traditional Chinese*, Vietnamese*)

Prisoners Legal Service

Civil law

Are you having problems with your home mortgage? (also in Arabic*, Traditional Chinese*, Farsi*, Korean*, Spanish*, Turkish*, Vietnamese*)

Mortgage stress handbook

Are you experiencing violence or abuse? You can make it stop – (also in Arabic, Traditional Chinese, Greek*, Italian*, Vietnamese)

Changing your accommodation arrangements?

Helping your family financially?

Understand the risks – (also in Arabic, Traditional Chinese, Greek, Italian and Vietnamese)

Moving in with the family? Protect your interests – (also in Arabic, Traditional Chinese, Greek*, Italian*, Vietnamese)

Who will decide for you if you can't decide for yourself? – (also in Arabic, Traditional Chinese, Greek*, Italian*, Vietnamese)

Are you a grandparent? Your legal questions answered

Squeezed for a debt

Discrimination toolkit

+Fined out booklet

Have you crashed your car?

+Have you been involuntarily admitted to a hospital?

Mental Health Advocacy Service (also in Arabic*, Traditional Chinese*, Farsi*, Korean*, Spanish*, Turkish*, Vietnamese*)

Legal help for veterans and dependants

Turning the Tide: storms, floods, insurance and you

Children and young people

Children's Legal Service

Get street smart

Youth Drug and Alcohol Court

CDs and DVDs

+Super Cuz CD (a Koori superhero fights for justice)

+Audio CD package – five CDs on legal issues for older people

+Mortgage rescue DVD

Welcome to Legal Aid (Amharic, Arabic, Dari/Farsi, Dinka, Pushto, Somali, Swahili, Tigrinya).

Posters

So you want the violence to stop (+Aboriginal version also available)

+Generic Legal Aid NSW poster

Who's who in the Local Court

Youth hotline

Wallet cards

So you want the violence to stop (+Aboriginal version also available)

Youth hotline

Bookmarks

+ Ordering online information

Legal Aid online means test calculator

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.

Learning and development

Courses conducted
1 July 2009 to 30 June 2010

Course title	Sessions	Attendance		
		Internal	External	Total
Internal training programs (most sessions attract MCLE points)				
Aboriginal Cultural Awareness Training	12	133	36	179
Briefing for Career Development Program	1	3	0	3
Client capacity: a workshop for lawyers	1	8	1	9
Criminal Managers Discussion Day	1	11	0	11
Cross Cultural Communication & Using Interpreters	3	16	4	20
Demystifying Drugs & Alcohol	10	70	18	88
Demystifying Mental Illness	4	16	4	20
Diploma of Management	9	63	26	89
Disability Confidence	4	40	0	40
Dual Diagnosis & Substance Dependence - a Lawyer's Guide	2	3	6	9
DVD screening: Ethics	4	52	3	55
FDR Annual Staff Training Day	1	12	3	15
Grants training	8	129	0	129
Interpersonal Skills for Client Service & Complaint Handling	2	16	5	21
Law For Non Lawyers	3	32	3	35
Legal Research	5	24	0	24
LMS Administrators Training	1	6	0	6
Managing Aggressive & Violent Behaviour	3	13	3	16
Managing Aggressive Clients on the Phone/Difficult Calls	8	80	7	87
Managing Psychological Injury	2	16	1	17
Media Skills Training for Senior Staff	1	8	0	8
Records Management in Legal Aid NSW (TRIM)	15	79	0	79
Resolving Workplace Conflict	1	11	0	11
Safety Leadership	1	12	0	12
Specialist Early Intervention Family Law in Family Relationship Centres	1	1	30	31
Team Development Day, Policy Branch	1	12	0	12
The Respectful Workplace	6	69	0	69
The Policy Process Day (1.5 Days)	1	9	0	9
Understanding JIRS	4	17	0	17
Workstation Ergonomics for Managers & Supervisors	1	10	0	10
Total	116	971	150	1,131

Learning and development

Course title	Sessions	Attendance		
		Internal	External	Total
Induction				
Civil Law Induction	1	7	0	7
Criminal Law Induction	5	150	0	150
Family Law Induction	1	7	0	7
Regional Solicitor Program Induction	1	6	0	6
New Solicitor-In-Charge Training Day	1	0	8	8
Total	9	170	8	178
Internal legal seminars and conferences				
Care and Protection	4	77	137	214
Civil Law Conference 2009	21	108	78	186
Civil Law Seminars	11	182	96	278
Criminal Law Conference 2009	14	227	143	370
Criminal Law Conference 2010	14	198	209	407
Criminal Law Seminars	14	89	0	89
Family Law Conference	13	248	139	387
Family Law In-house Conference	2	98	0	98
Family Law Seminars	12	81	109	190
Seminars	6	136	4	140
Total	111	1,444	915	2,359
Women's Domestic Violence Court Advocacy Program				
Core Training	3	0	63	63
Seconded Worker Training	8	0	148	148
WDVCAS Coordinator Training	3	0	65	65
Total	14	0	276	276
IT Training				
ATLAS, CASES, LAWDOCS	31	103	0	103
Online learning				
General Staff Training (Records Management, Library Research, Selection Techniques etc.)	12	262	0	262
Induction Program - Online modules (OHS, IT, Personal Administration, Policy, Family Law, etc.)	6	148	0	148
MCLE lectures	37	219	0	219
Total	55	629	0	629
External training (ie. not connected with Legal Aid NSW)				
Civil Law external training courses		56	0	56
Criminal Law		116	0	116
Family Law external training		60	0	60
General		112	0	112
Total		344	0	344

Human resources information

Central Sydney/Regional FTE staff as at 30 June 2010		FTE staff as at 30 June 2010	
Central Sydney	469.23	CEO/SES	5
Regional offices	358.57	Legal officers	400.78
Total Staff FTE	827.80	Legal and admin support staff	422.02
		Total staff FTE	827.80

Number of actual staff by employment type

Employment Type	2006–2007	2007–2008	2008–2009	2009–2010
Permanent Full Time	523	566	594	583
Permanent Part-time	106	112	123	141
Temporary Full Time	132	123	135	135
Temporary Part-time	37	45	54	45
Contract SES	6	6	5	5
Non - SES	0	0	0	0
Casual	1	0	1	0
Other	0	0	0	0
Total	805	852	912	909

Number of actual staff by work area

3 year comparison

	2006–2007	2007–2008	2008–2009	2009–2010
Legal Officers	383	395	431	435
Administrative staff	422	457	481	474
Total	805	852	912	909

Number of executive positions

3 year comparison

SES Grade	2007–2008		2008–2009		2009–2010	
	Male	Female	Male	Female	Male	Female
Level 6*	1	0	1	0	1	0
Level 4	2	0	2	0	2	0
Level 2	2	1	2	0	2	0
Total	5	1	5	0	5	0

*Alan Kirkland, CEO Legal Aid NSW, Annual Remuneration: \$267,651.00

EEO groups

Number of actual staff in different EEO groups

	2007-2008	2008-2009	2009-2010
Men	220	232	234
Women	632	680	675
Aboriginal people	27	30	38
People from racial, ethnic, ethno-religious minority groups	175	184	191
People whose first language is not English	122	125	130
People with a disability	44	46	41
People with a disability requiring a work-related adjustment	12	12	13
Total	852	912	909

Parliamentary annual report tables

A. Trends in the representation of EEO groups

% of total staff

EEO Group	Benchmark or target (%)	2007	2008	2009	2010
Women	50	73	74	74	75
Aboriginal people	2.6	1.1	3.0	3.3	4.0
People from racial, ethnic, ethno-religious minority groups	19	14	15	13	14.0
People with a disability	12	5	5	5	4.0
People with a disability requiring a work-related adjustment	7	1.3	1.4	1.2	1.3

B. Trends in the distribution of EEO groups

Distribution index

EEO Group	Benchmark or target	2007	2008	2009	2010
Women	100	83	84	84	86
Aboriginal people and Torres Strait Islanders	100	n/a	83	79	80
People whose first language is not English	100	97	100	100	101
People with a disability	100	89	95	97	102
People with a disability requiring work-related adjustment	100	n/a	n/a	n/a	n/a

Notes:

- Staff numbers are as at 30 June 2010.
- 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 page 15 is based on FTE staff.

Law reform submissions

In 2009-2010 we made 37 submissions to a variety of law reform bodies on a wide range of issues affecting our clients.

Submission to the Australian Human Rights Commission

Response to African Australians: a report on human rights and social inclusion issues (August 2009)

Submission to the Australian Law Reform Commission

Response to consultation paper: Family Violence: Improving legal frameworks (June 2010)

Submission to Chief Magistrate Local Court of NSW

Response to proposed amendments to committals procedure (November 2009)

Submission to Financial Ombudsman Service

Response to the Financial Ombudsman Service draft Guidelines (September 2009)

Submission to the Legislative Council Social Issues Committee

Submission to Inquiry into substitute decision-making for people lacking capacity (August 2009)

Submission to NSW Department of Human Services

Response to proposed miscellaneous amendments to the *Children and Young Persons (Care and Protection) Act 1998* (May 2010)

Further response to proposed miscellaneous amendments to the *Children and Young Persons (Care and Protection) Act 1998* (June 2010)

Response to proposed *Children (Community Service Orders) Regulation 2010* (June 2010)

Submissions to the NSW Department of Justice and Attorney General

Submission on the statutory review of the *Crimes (Serious Sex Offenders) Act* (August 2009)

Submission on the statutory review of the *Law Enforcement (Powers and Responsibilities) Act 2002* (September 2009)

Submission on the statutory review of the *Terrorism (Police Powers) Act 2002* (September 2009)

Response to the NSW Minimum standards for domestic violence behaviour change programs (September 2009)

Response to ADR Blueprint: Draft recommendations Report 1: Pre-Action Protocols and Standards (September 2009)

Response to ADR Blueprint: Draft recommendations Report 2: ADR in Government (October 2009)

Response to consultation: Model protection for sexual assault counselling communications and definition of unavailability of persons (October 2009)

Submission on amendments to aggregate sentencing law (November 2009)

Submission on the draft *Children and Young Persons Amendment (Wood Inquiry recommendations) Regulation 2000* (December 2009)

Response to draft Court suppression and non-publications Orders Bill 2009 (February 2010)

Response to the criminal case conferencing legislative trial (March 2010)

Submission on Notice of Alibi in defended Local Court hearings (April 2010)

Submission on the proposed *Young Offenders Regulation 2010* (May 2010)

Submission to Review of forensic procedures and evidence in New South Wales (June 2010)

Submissions to NSW Fair Trading

Response to the Regulatory Impact Statement: *Consumer, Trader and Tenancy Tribunal Regulation 2009* (August 2009)

Response to the proposed *Landlord and Tenant Regulation 2009* (August 2009)

Response to the *Regulatory Impact Statement: Retirement Villages Regulation 2009* (November 2009)

Response to the consultation draft: Residential Tenancies Bill 2009 (January 2010)

Submission to NSW Guardianship Tribunal

Submission on proposed *Guardianship Regulation 2010* (March 2010)

Submission to the NSW Law Reform Commission

Response to the consultation document: Access to personal information (August 2009)

Submission to NSW Parliament Standing Committee on Law and Justice

Submission on Judge alone trials under s132 of the *Criminal Procedure Act 1986* (June 2010)

Submission to NSW Sentencing Council

Response to review of standard non-parole period scheme and sexual offence penalties (June 2009)

Submission to the Senate Legal and Constitutional Affairs Legislation Committee

Joint submission on behalf of Legal Aid NSW and Victoria Legal Aid on the *Migration Amendment (Complementary Protection) Bill 2009* (September 2009)

Response to the *Bankruptcy Legislation Amendment Bill 2009*–Exposure Draft (September 2009)

Submission on the *Bankruptcy Legislation Amendment Bill 2009* (November 2009)

Submission to National Alternative Dispute Resolution Advisory Council

Submission on legislative changes required to protect the integrity of different ADR processes (February 2010)

Contributions to submissions by National Legal Aid

Submission on the Inquiry into the *Trade Practices Amendment (Australian Consumer Law) Bill* (August 2009)

Submission on the national security legislation discussion paper (September 2009)

Submission on the Options Paper: Unfair Terms in Insurance Contracts (April 2010)

Explanatory notes to counting and interpreting data in 2009–2010

During the 2008-09 financial year Legal Aid NSW introduced two major new systems, CASES and ATLAS, for recording its services.

This involved both major and minor changes to the way in which data was recorded, and meant it was not always valid to make direct comparisons of reported service figures before and after the changes.

1. Case matters/duty services definition change

One of the main impacts involved a definition change, which applied from 1 July 2008 when the recording of in-house duty services in CASES commenced. As of this date the definition of case and duty services was standardised across the in-house and assigned practices.

The result was a substantial increase in the reported volumes of in-house criminal law duty services, and a decrease in in-house criminal law case grants. It is important to note that this did not reflect a fundamental change in the work undertaken.

It is not valid to compare the in-house duty figures for 2008–2009 and 2009–2010 with those reported in earlier financial years.

2. Duty services

When CASES was introduced Legal Aid NSW 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 eliminated a problem where some 'backup' duty services provided before this time were included under both the assigned and in-house headings.

While the result was lower volumes of in-house duty services from 2008-2009 onwards (particularly in civil law) than would otherwise have been reported, this does not reflect any change in actual work patterns.

It is not valid to compare the in-house duty figures for 2008-2009 and 2009-2010 with those reported in earlier financial years. Footnotes to the relevant tables on pages 144 to 145 provide the revised figures for 2007-2008.

3. Case matters

Prior to the introduction of the ATLAS grant management system on 31 March 2009, case grants which moved between the assigned and in-house practices had to be given new file numbers and could not be linked. They were thus counted in both the in-house and assigned categories. ATLAS now retains the same file number even where in-house grants are assigned to private practitioners during their life, and vice-versa.

The pre-ATLAS counting method was retained until 30 June 2009 to avoid a mid-year change, but since this time case grants have been counted as either assigned or in-house depending on their most recent status. Case grant numbers reported for 2009-2010 are lower (particularly for the in-house practice) than if the old counting method was still in place, but this does not reflect a workload decrease.

Comparisons of the 2009-2010 caseload figures with those for earlier financial years should be avoided.

Legal practice operational statistics

Legal Aid NSW totals	2007-08	2008-09 ¹	% change from previous year	2009-10	% change from previous year
Case Matters					
Applications Received	73,894	53,786	-27.2%	50,061	-6.9%
Applications Refused	8,435	9,677	14.7%	9,316	-3.7%
In-house Grants	40,535	20,213	-50.1%	13,788	-31.8%
Assigned Grants	24,773	25,992	4.9%	27,648	6.4%
Total Case Grants³	65,308	46,205	-29.3%	41,436	-10.3%
Grant Rate	88.6%	82.7%	-6.7%	81.6%	-1.3%
Applications Determined	73,743	55,882	-24.2%	50,752	-9.2%
Applications Undetermined @ year end	155	1,861	1,100.6%	1,292	-30.6%
Grants Finalised	59,599	42,792	-28.2%	43,422	1.5%
Current Grants on Hand @ year end	41,535	43,571	4.9%	41,635	-4.4%
Duty Services					
In-house Duty Services ²	63,910	99,775	56.1%	103,099	3.3%
Assigned Duty Services	68,461	67,418	-1.5%	65,283	-3.2%
Total Duty Services	132,371	167,193	26.3%	168,382	0.7%
Other Services					
Advice	76,404	80,953	6.0%	84,884	4.9%
Minor assistance	6,065	7,810	28.8%	8,782	12.4%
Information	361,736	475,667	31.5%	497,872	4.7%
Total Other Services	444,205	564,430	27.1%	591,538	4.8%
Total Client Services	641,884	777,828	21.2%	801,356	3.0%

Criminal Law

Case Matters					
Applications Received	52,605	30,275	-42.4%	26,994	-10.8%
Applications Refused	3,275	2,755	-15.9%	3,086	12.0%
In-house Grants	36,255	15,473	-57.3%	9,789	-36.7%
Assigned Grants	12,967	14,058	8.4%	14,388	2.3%
Total Case Grants³	49,222	29,531	-40.0%	24,177	-18.1%
Grant Rate	93.8%	91.5%	-2.5%	88.7%	-3.1%
Applications Determined	52,497	32,286	-38.5%	27,263	-15.6%
Applications Undetermined @ year end	110	643	484.5%	419	-34.8%
Grants Finalised	46,733	29,786	-36.3%	26,238	-11.9%
Current Grants on Hand @ year end	21,586	20,038	-7.2%	17,982	-10.3%
Duty Services					
In-house Duty Services ²	47,404	89,184	88.1%	94,735	6.2%
Assigned Duty Services	52,777	51,933	-1.6%	49,738	-4.2%
Total Duty Services	100,181	141,117	40.9%	144,473	2.4%
Other Services					
Advice	30,751	30,489	-0.9%	34,690	13.8%
Minor assistance	662	267	-59.7%	170	-36.3%
Information	115,401	173,995	50.8%	204,990	17.8%
Total Other Services	146,814	204,751	39.5%	239,850	17.1%
Total Client Services	296,217	375,399	26.7%	408,500	8.8%

1. Major changes which occurred during 2008-09 mean direct comparisons of 2008-09 figures for case grants and duty services with those for other years should not be made. See explanatory note 1 at page 143.

2. The revised criminal law in-house duty figure for 2007-08 is 42,545; the revised total for Legal Aid NSW for 2007-08 is 52,904 (see explanatory note 2 at page 143).

3. Because of a significant change to the counting of case grants which took effect from 1 July 2009, case figures for 2009-10 should not be compared directly with those for earlier years. See explanatory note 3 at page 143.

Family Law	2007-08	2008-09¹	% change from previous year	2009-10	% change from previous year
Case Matters					
Applications Received	18,628	20,470	9.9%	20,078	-1.9%
Applications Refused	4,227	5,512	30.4%	4,957	-10.1%
In-house Grants	3,067	3,263	6.4%	2,802	-14.1%
Assigned Grants	11,296	11,435	1.2%	12,730	11.3%
Total Case Grants³	14,363	14,698	2.3%	15,532	5.7%
Grant Rate	77.3%	72.7%	-6.0%	75.8%	4.3%
Applications Determined	18,590	20,210	8.7%	20,489	1.4%
Applications Undetermined @ year end	39	1,076	2,659.0%	728	-32.3%
Grants Finalised	11,207	11,394	1.7%	15,598	36.9%
Current Grants on Hand @ year end	17,531	20,833	18.8%	20,778	-0.3%
Duty Services					
In-house Duty Services ²	3,214	3,423	6.5%	3,168	-7.4%
Assigned Duty Services	2,944	2,708	-8.0%	1,757	-35.1%
Total Duty Services	6,158	6,131	-0.4%	4,925	-19.7%
Other Services					
Advice	25,491	27,493	7.9%	28,263	2.8%
Minor assistance	3,133	3,662	16.9%	4,493	22.7%
Information	111,720	133,874	19.8%	128,761	-3.8%
Total Other Services	140,344	165,029	17.6%	161,517	-2.1%
Total Client Services	160,865	185,858	15.5%	181,974	-2.1%

Civil Law

Case Matters

Applications Received	2,661	3,041	14.3%	2,989	-1.7%
Applications Refused	933	1,410	51.1%	1,273	-9.7%
In-house Grants	1,213	1,477	21.8%	1,197	-19.0%
Assigned Grants	510	499	-2.2%	530	6.2%
Total Case Grants³	1,723	1,976	14.7%	1,727	-12.6%
Grant Rate	64.9%	58.4%	-10.0%	57.6%	-1.4%
Applications Determined	2,656	3,386	27.5%	3,000	-11.4%
Applications Undetermined @ year end	6	142	2,266.7%	145	2.1%
Grants Finalised	1,659	1,612	-2.8%	1,586	-1.6%
Current Grants on Hand @ year end	2,418	2,700	11.7%	2,875	6.5%
Duty Services					
In-house Duty Services ²	13,292	7,168	-46.1%	5,196	-27.5%
Assigned Duty Services	12,740	12,777	0.3%	13,788	7.9%
Total Duty Services	26,032	19,945	-23.4%	18,984	-4.8%
Other Services					
Advice	20,162	22,971	13.9%	21,931	-4.5%
Minor assistance	2,270	3,881	71.0%	4,119	6.1%
Information	134,615	167,798	24.7%	164,121	-2.2%
Total Other Services	157,047	194,650	23.9%	190,171	-2.3%
Total Client Services	184,802	216,571	17.2%	210,882	-2.6%

1. Major changes which occurred during 2008-09 mean direct comparisons of 2008-09 figures for case grants and duty services with those for other years should not be made. See explanatory note 1 at page 143.

2. The revised family law in-house duty figure for 2007-08 is 3,209; the revised civil law in-house duty figure for 2007-08 is 7,150 (see explanatory note 2 at page 143).

3. Because of a significant change to the counting of case grants which took effect from 1 July 2009, case figures for 2009-10 should not be compared directly with those for earlier years. See explanatory note 3 at page 143.

Legal practice operational statistics

In-house & private lawyers allocation of legal work	In-house lawyer	In-house lawyer%	Private lawyer	Private lawyer%	Total
Family law					
Duty Services	3,168	64.3%	1,757	35.7%	4,925
Grants of Legal Aid	2,802	18.0%	12,730	82.0%	15,532
Total	5,970	29.2%	14,487	70.8%	20,457
Criminal law					
Duty Services	94,735	65.6%	49,738	34.4%	144,473
Grants of Legal Aid	9,789	40.5%	14,388	59.5%	24,177
Total	104,524	62.0%	64,126	38.0%	168,650
Civil law					
Duty Services	5,196	27.4%	13,788	72.6%	18,984
Grants of Legal Aid	1,197	69.3%	530	30.7%	1,727
Total	6,393	30.9%	14,318	69.1%	20,711
Legal Aid NSW total					
Duty Services	103,099	61.2%	65,283	38.8%	168,382
Grants of Legal Aid	13,788	33.3%	27,648	66.7%	41,436
Total	116,887	55.7%	92,931	44.3%	209,818

Family dispute resolution Family Law	2007-08	2008-09	% change from previous year	2009-10	% change from previous year
Number of conferences	2,527	2,294	-9.2%	2,574	12.2%
Agreements reached	2,156	1,942	-9.9%	2,079	7.1%
Agreement rate	85.3%	84.7%	0.6%	80.8%	-4.6%

Community legal education

Criminal Law	174	297	70.7%	242	-18.5%
Family Law	349	443	26.9%	759	71.3%
Civil Law	260	328	26.2%	424	29.3%
Total	783	1,068	36.4%	1,425	33.4%

Commonwealth and State allocation of Legal Aid NSW services

	State matter	State matter %	Commonwealth matter	Commonwealth matter %	Total
Family law					
Grants	5,277	34.0%	10,255	66.0%	15,532
Duty Services	2,676	54.3%	2,249	45.7%	4,925
Advice	2,833	10.0%	25,430	90.0%	28,263
Minor assistance	392	8.3%	4,121	91.7%	4,493
Information Services	17,812	13.8%	110,949	86.2%	128,761
Total	28,970	15.9%	153,004	84.1%	181,974

Criminal law					
Grants	23,481	97.1%	696	2.9%	24,177
Duty Services	139,595	96.6%	4,878	3.4%	144,473
Advice	33,570	96.8%	1,120	3.2%	34,690
Minor assistance	169	99.4%	1	0.6%	170
Information Services	185,153	90.3%	19,837	9.7%	204,990
Total	381,968	93.5%	26,532	6.5%	408,500

Civil law					
Grants	1,286	74.5%	441	25.5%	1,727
Duty Services	18,984	100.0%	-	0.0%	18,984
Advice	16,048	73.2%	5,883	26.8%	21,931
Minor assistance	3,244	78.8%	875	21.2%	4,119
Information Services	127,761	77.8%	36,360	22.2%	164,121
Total	167,323	79.3%	43,559	20.7%	210,882

Legal Aid NSW total					
Grants	30,044	72.5%	11,392	27.5%	41,436
Duty Services	161,255	95.8%	7,127	4.2%	168,382
Advice	52,451	61.8%	32,433	38.2%	84,884
Minor assistance	3,785	43.1%	4,997	56.9%	8,782
Information Services	330,726	66.4%	167,146	33.6%	497,872
Total	578,261	72.2%	223,095	27.8%	801,356

Freedom of information (FOI)

Section A New FOI Applications

	FOI applications					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
New	23	15	7	9	30	24
Brought forward	2	3	0	0	2	3
Total to be processed	25	18	7	9	32	27
Completed	15	17	6	8	21	25
Discontinued	7	1	1	1	8	2
Total processed	22	18	7	9	29	27
Unfinished (carried forward)	3	0	0	0	3	0

Section B Discontinued Applications

	Discontinued FOI applications					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
Transferred from other agency	0	0	0	0	0	0
Withdrawn	1	0	0	0	1	0
Failed to pay advance deposit	1	1	0	1	1	2
Unreasonable diversion of resources	2	0	0	0	2	0
Document not held	3	0	1	0	4	0
Total discontinued	7	1	1	1	8	2

Section C Completed Applications

	Completed FOI applications					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
Granted in full	8	9	3	3	11	12
Granted in part	5	5	0	3	5	8
Refused	0	2	1	2	1	4
Not held	2	1	2	0	4	1
Total completed	15	17	6	8	21	25

Section D Applications granted or otherwise available in full

	Granted or otherwise available in full					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
Provided to the applicant	8	7	3	3	11	10
Provided to the applicant's medical practitioner	0	0	0	0	0	0
Available for inspection	0	2	0	0	0	2
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 any of the reasons listed above	0	0	0	0	0	0
Total	8	9	3	3	11	12

Section E Applications granted or otherwise available in part

	Granted or otherwise available in part					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
Provided to the applicant	5	5	0	3	5	8
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 any of the reasons listed above	0	0	0	0	0	0
Total	5	5	0	3	5	8

Section F Refused FOI Applications

	Refused FOI applications					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
Exempt	0	0	1	2	1	2
Deemed refused	0	2	0	0	0	2
Total refused	0	2	1	2	1	4

Section G Exempt Documents

	FOI applications					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
Personal affairs	1	0	0	1	1	1
Legal professional privilege	0	0	0	0	0	0
Secrecy provisions	3	0	0	2	4	2
Internal working documents	2	0	0	0	2	0
Total including exempt documents	6	0	1	3	7	3

Section H Ministerial Certificates (S.59)

No ministerial certificates were issued in relation to FOI applications to Legal Aid NSW in 2008-2009 or 2009-2010.

Section I Formal Consultations

	Number of consultations conducted	
	2009	2010
Applications requiring formal consultation	2	2
Persons formally consulted	4	5

Section J Amendment of Personal Records

We received no applications for amendment of personal records in 2008-2009 or 2009-2010.

Section K Notation of Personal Records

We received no applications for notation of personal records in 2008-2009 or 2009-2010.

Section L Fees And Costs

	Assessed costs		Fees received	
	2009	2010	2009	2010
All completed applications	0	0	\$345	\$270

Section M Fee Discounts

	Applications where fees were waived or discounted					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
Waived in full	6	8	2	1	8	9
Financial hardship discounts	6	7	2	1	8	8
Total	12	15	4	2	16	17

Section N Fee refunds

We did not grant any fee refunds as a result of significant correction of personal records.

Section O Days taken to complete request

	Completed FOI applications					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
0- 21 days	7	15	3	5	10	20
22-35 days	6	2	3	2	9	4
Over 21 days	1	0	0	1	1	1
Over 35 days	1	0	0	0	1	0
Total	15	17	6	8	21	25

Section P Processing time: hours

	Completed FOI applications					
	PERSONAL		OTHER		TOTAL	
	2009	2010	2009	2010	2009	2010
0-10 hours	9	13	4	7	13	20
11-20 hours	6	2	2	1	8	3
21-40 hours	0	2	0	0	0	2
Over 40 hours	0	0	0	0	0	0
Total	15	17	6	8	21	25

Section Q Number of reviews

	Completed reviews	
	2009	2010
Internal reviews	2	2
Ombudsman reviews	0	0
ADT reviews	0	2

Section R Results of internal reviews

What were the results of internal reviews finalised?

	Internal reviews					
	PERSONAL		OTHER		TOTAL	
	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	1	0	1	0	2	0
Total	1	0	1	0	2	0

Disability Action Plan

A summary of key performance highlights from the Disability Action Plan.

Disability Action Plan 2009-2011

Outcomes	What we achieved
1. Identify and remove barriers to services for people with a disability	<ul style="list-style-type: none"> Conducted training to improve disability confidence in client support staff, to support clients with a disability. Developed an online module on the learning management system for dealing with clients with an intellectual disability. Updated our case management system by identifying those matters where continuity of representation by solicitors is important, to improve case management for clients. Extended the time at legal advice sessions for clients requiring additional time and assistance. Developed social inclusion indicators after wide consultation, and commenced an extensive client survey. Finalised a service agreement and commenced work with the Intellectual Disability Rights Service to assist criminal law clients who may require diversion under the <i>Mental Health (Forensic Provisions) Act 2007</i> by developing a Best Practice Kit for lawyers in Legal Aid NSW, private lawyers and lawyers in community legal centres and the Aboriginal Legal Service. Developed a practice guide on disability discrimination and disclosure in employment. Developed new standard equity questions for inclusion in applications from private solicitors wishing to undertake legal aid work.
2. Provide information and services in a range of accessible formats	<ul style="list-style-type: none"> Provided information in a range of accessible formats including large print and CDs. Included TTY and NRS symbols and information on all new brochures. Developed a new Application for Legal Aid form after wide consultation on accessibility, language choice and visual status. Updated the Mental Health Links for Lawyers site by improving and increasing the level of information and content. Complied with AA WC3 Access guidelines in developing the Legal Aid intranet and monitoring compliance during development of new internet.
3. Make buildings and facilities physically accessible to people with disabilities	<ul style="list-style-type: none"> Completed a physical accessibility audit of facilities in the Central Sydney office and prioritised new work. Framed the Total Asset Management plan to include a phased rollout of improved signage and facilities in regional offices. Provided information on accessibility to all participants of courses conducted at Legal Aid NSW.
4. Assist people with a disability to take part in public consultations and to apply for and participate in government advisory boards and committees	<ul style="list-style-type: none"> Delivered community legal education to community workers working with people who have mental health issues. Delivered over 40 community legal education events for people with a disability and those with mental health issues. Enabled people with disabilities to attend and participate in community legal education by requesting people to identify the assistance they need during registration and selecting accessible venues for all metropolitan events and where available, in regional sites.
5. Increase employment participation and retention of people with a disability in the NSW public sector	<ul style="list-style-type: none"> Investigated participation in the <i>Willing & Able Mentoring Program</i> and <i>Step into Law</i> program to determine feasibility of initiating similar programs within Legal Aid NSW. Formed a Mental Health and Wellbeing Working Group that examines the effectiveness of initiatives to address the mental health and wellbeing of staff and makes recommendations on how to improve them through sustainable action. Informed staff through the Legal Aid NSW quarterly newsletter of a wide range of initiatives regarding disability and mental health. Collaborated with the Department of Justice and Attorney General (DJAG) in developing a DJAG Disability Action Plan. Continued a review of human resources policies, procedures and guidelines to ensure they are non-discriminatory in both language and practice.

Multicultural Action Plan

A summary of key performance highlights from the Multicultural Action Plan.

Multicultural Action Plan 2009-2011

1. Responsiveness

Established a pilot that examined interpreter usage and costs in Community Legal Centres and provided funding for interpreter costs.

Delivered 41 community legal education sessions to newly arrived migrants.

Developed legal theatre scripts to assist in delivering community legal education to targeted, emerging communities.

Developed new standard equity questions for inclusion in applications from private solicitors wishing to undertake legal aid work.

Developed a culturally appropriate model for family dispute resolution through the establishment of cadetships for 10 lawyers from multicultural backgrounds.

2. Effective community engagement

Published key brochures in a range of languages for emerging communities.

Participated in several community events across NSW, providing legal information and education to improve access to justice.

Undertook a review of systems for reporting usage of the Community Languages Allowance Scheme.

3. Leadership

Monitored the implementation of the Multicultural Action Plan through the Access and Equity Committee.

Promoted and raised awareness of access and equity issues for staff, clients and stakeholders through the work of the Access and Equity Committee, intranet, CEO's messages and quarterly newsletter.

Provided a submission on Family Violence: Improving legal frameworks to the Australian Law Reform Commission

4. Cultural competence

Delivered several training sessions on *Cross Cultural Communication and Using Interpreters*.

Reviewed the effectiveness of staff induction training on diversity and inclusive practices.

Investigated scholarship programs for people from emerging or established communities to undertake justice related studies and identified a suitable program for emerging communities in NSW.

Significant committees

Committees played an important role in helping us achieve our goals and deliver excellent outcomes to clients.

LEGAL AID REVIEW COMMITTEES (LARC)

Six committees determine appeals relating to legal aid applications and grants of legal aid that have been refused.

Committee membership as at 30 June 2010:

Legal Aid Review Committee No. 1

Mr B Row - Chairperson, Minister's Nominee (alternates Mr I Linwood and Mr P Anet)

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

Mr D Sword, Community Member (alternate Mr J Terry)

Meetings held: 5 and 1 teleconference

Legal Aid Review Committee No. 2

Mr P Robinson - Chair, 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)

Meetings held: 6 and 1 teleconference

Legal Aid Review Committee No. 3

Mr K Garling - Chair, Minister's Nominee (alternates Ms S Gordon and Ms Z Weremczuk)

Ms P Wright, Bar Association/Law Society Nominee (alternates Ms G Daley and Mr B Thomas)

Ms T Heness - Community Member (alternate Mr D Kelly)

Meetings held: 7

Family Law Legal Aid Review Committee No. 1

Ms J Stevens - Chair, Minister's Nominee (alternates Ms A Tomlin and Ms J Townsend)

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)

Meetings held: 14

Family Law Legal Aid Review Committee No. 2

Vacant - Chair, Minister's Nominee (alternates Mr J McDonnell and Ms E Bayley)

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

Ms M Faithfull, Community Member (alternate Ms M Good)

Meetings held: 13 and 2 teleconferences

Family Law Legal Aid Review Committee No. 3

Ms C Drummy - Chairperson, Minister's Nominee (alternates Ms C Samuels and Mr P Guterres)

Mr R Schonell - Bar Association/Law Society Nominee (alternates Mr M Whelan and Mr C Dunn)

Dr S van der Mye, Community Member (alternate Ms K Gauthier)

Meetings held: 4 and 1 teleconference

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.

Audit and Risk Committee (ARC)

Advised the Board about financial reporting practices, business ethics, policies and practices, accounting policies, and management and internal controls.

It is responsible for overseeing the financial performance of Legal Aid NSW and the internal audit function.

A report of the ARC is provided on page 63.

The members were:

	<i>Meetings attended</i>
Phillip Bickerstaff Chair, Independent	11
Phillip Taylor, Independent (to Dec 09)	3
John Bordon Independent (from Mar 10)	4
Alan Kirkland, CEO	10
Russell Cox Deputy CEO, Business & Client Services	10

Meetings held: 11

Civil Law Sub-Committee

Provided advice to the Civil law Division and to the Board about civil law matters.

The members were:

Andrea Durbach, Board member (Chair)

Maria Girdler, Board member

Amanda Tibbey, NSW Bar Association

Mark Hodges, Law Society of NSW

Monique Hitter, Legal Aid NSW

Annamarie Lumsden, Legal Aid NSW

Tim Smith, Legal Aid NSW

Meetings held: 2

Community Legal Centres (CLCs) Sub-Committee

Advised the Board on funding for CLCs.

The members were:

Rev Harry Herbert, Board member (Chair)

Maria Girdler, Board member

Helen Campbell, Chairperson of the CLCNSW

Alastair McEwan, Director of CLCNSW

Richard Funston, Executive Director Planning Policy and Grants, Legal Aid NSW

Louise Blazejowska, Manager Community Partnerships, Legal Aid NSW (until May 2010)

Dennis Roach, Manager CLC Program, Legal Aid NSW, (until Dec 2009)

Bronwyn McCutcheon, Manager CLC Program, Legal Aid NSW (from Dec 2009)

Timika Williams, CLC Project Officer, Legal Aid NSW

Meetings held: 4

Grants Sub-Committee

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

The members to end 2009 were:

Phillip Taylor (Chair)

Geoff Lindsay SC, NSW Bar Association

Richard Gulley, Law Society of NSW

Richard Funston, Executive Director, Planning, Policy and Grants

Annamarie Lumsden, Director Grants.

The members from 2010 were:

Mary Macken, Law Society of NSW (Chair)

Ian McClintock SC, NSW Bar Association

Annamarie Lumsden, Director Grants.

Meetings held: 1

ADVISORY COMMITTEES

Aboriginal Justice Committee

Advised the CEO on Aboriginal justice initiatives, service delivery, employment strategies, and building partnerships with external agencies.

The members were:

Scott Hawkins, Director, Aboriginal Services, (Chair)
Alan Kirkland, CEO, Legal Aid NSW
Steve O'Connor, Deputy CEO, Legal
Richard Funston, Executive Director Planning, Policy and Grants
Kylie Beckhouse, Director, Family Law Division
Brian Sandland, Director, Criminal Law Division
Anmarie Lumsden, Director, Grants
Monique Hitter, Director, Civil Law Division
Christine Robinson, Coordinator, Wirringa Baiya Aboriginal Women's Legal Centre
Gerry Moore, Chief Executive Officer, Aboriginal Legal Service NSW/ACT
John McKenzie, Principal Solicitor, Aboriginal Legal Service NSW/ACT
Jenny Lovric, CLSD Program Manager

Meetings held: 4

Cooperative Legal Service Delivery (CLSD) Program Steering Committee

Provided guidance to the CLSD Program Unit.

The members were:

Jenny Lovric (Chair), CLSD Program Unit, Legal Aid NSW
Louise Blazejowska, Manager Legal Service Development, Legal Aid NSW
Kim Gabler, CLSD Program Coordinator, Legal Aid NSW
Grant Arbuthnot, Tenant's Union NSW
Raymond Brazil, Aboriginal Legal Service (NSW/ACT) Limited
John McKenzie, Aboriginal Legal Service (NSW/ACT) Limited
Caroline Seagrove/Judith Levitan, NSW Legal Assistance Forum
Jane Kenny, Law & Justice Foundation of NSW (from June 2010)
Anne Cregan, Blake Dawson
Amelia Davis, Blake Dawson

Mia Zahra, LawAccess NSW
John Pinnock, Public Interest Law Clearing House
Kylie Nicholls, Court Services, Department of Justice and Attorney General
Angela Pollard, Northern Rivers Community Legal Centre
Alastair McEwin, Community Legal Centres NSW
Vicki Geraghty, Financial Counsellors Association of NSW
Andrew Wilson/Nerida Harvey, 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 aid should be made.

The members were:

Professor David Farrier, University of Wollongong (Chair)
Dr Alan Jones, Australian Museum
Nicola Franklin, University of Sydney (from November 2009)
Dr Andrew Kelly, University of Wollongong (alternate member)
Associate Professor Paul Adam, University of NSW (alternate member)
Professor Ben Boer, University of Sydney (alternate member)
Tina O'Neill, Legal Aid NSW
Joshua Kulawiec, Legal Aid NSW
Meetings held: 4

Human Rights Committee

Advised Legal Aid NSW on public interest human rights matters and made recommendations on whether grants of legal aid should be made. The committee considered 42 matters in 2009-2010.

The members were:

Associate Professor Andrea Durbach, University of NSW (Co-Chair, resigned June 2010)
Vedna Jivan, University of Technology Sydney (Co-Chair)

Nicole Watson, University of Technology Sydney
Justine Nolan, University of NSW
Dr Sarah Pritchard, Barrister
Nicholas Poynder, Barrister (alternate)
Pauline Wright, Solicitor
Deborah Wilcox, Solicitor (alternate)
Paul Batley, Barrister
Alex Grosart, Legal Aid NSW (Executive Officer)
Meetings held: 15

Women's Domestic Violence Court Advocacy Program (WDVCAP) Advisory Committee

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

The members were:

Louise Blazejowska, Manager, Community Partnerships, Legal Aid NSW (to July 2009)
Michelle Jones, Manager WDVCAP, Legal Aid NSW
Julie Stewart, Project Officer, WDVCAP, Legal Aid NSW (to Aug 2009)
Bev Lazarou, Project Officer, WDVCAP, Legal Aid NSW
Rachelle Johnston, Project Officer, WDVCAP, Legal Aid NSW (from Aug 2009)
Cheryl Alexander, WDVAS Network (to Nov 2009)
Pam Lorrimer, WDVAS Network (Rural) (Nov 2009 to Feb 2010)
Elly Raffo, WDVAS Network
Tanya Sampson, WDVAS Network (Aboriginal) (Nov 2009 to Feb 2010)
Jen Taylor, WDVAS Network Inc (Rural) (from May 2009 to Nov 2009)
Danielle Neves, WDVAS Network (Rural) (from May 2010)
Sara Blazey, Legal Aid NSW Board Representative (to Nov 2009)
Maria Girdler, Legal Aid NSW Board (from Nov 2009)
Robyn Auld, Senior Programs Officer, Policy and Programs, NSW Police Force
Christine Robinson, Coordinator, Wirringa Baiya Aboriginal Women's Centre

Significant committees

Sussie Lee, Executive Officer,
Immigrant Women's Speakout
(to Mar 2010)

Alex Faraguna, Intellectual Disability
Rights Service

Kim Price, Manager, Women's Legal
Services NSW (to May 2010)

Kylie Nicholls, A/Assistant Director,
Court Services, Department of Justice
and Attorney General

Meetings held: 4

INTERNAL COMMITTEES

Access and Equity Committee

**Monitored the implementation
of the Disability Action Plan and
Multicultural Action Plan as well
as identified matters for specific
attention.**

The members were:

Alan Kirkland, CEO (Chair)

Russell Cox, Deputy CEO Business
and Client Services

Richard Funston, Executive Director,
Planning, Policy and Grants

Dora Dimos, Manager, Professional
Practices

Pam King, Manager, Communication,
Information, Education & Business
Reporting

Leshia Bubniuk, Coordinator, Access
& Equity

Jan Pittard, Senior Learning &
Development Consultant

Christine Johnson, Regional
Administrative Coordinator, Legal
Services

Rania Saab, Solicitor, Family Law
Bankstown

Vaughan Roles, Criminal Law Legal
Education Solicitor, Grants

Rouada El-Ayoubi, Solicitor,
Family Litigation

Matthew Greenaway, Regional
Program Coordinator, Criminal Law
Nihal Danis, Solicitor, Mental Health
Advocacy Services.

Meetings held: 3

Occupational Health and Safety (OH&S) Committee

**In accordance with s18 of the
Occupational Health and Safety
Act 2000, 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.**

The members were:

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 Division

Employee representatives

Shirl Acland, Metropolitan Region
(Chair)

Sevda Cranston, Metropolitan Region

Amanda Zerbst, Metropolitan Region

Diganta Kumar, Metropolitan Region

Fiona Pace, Northern Region

Wendy Kilroy, Northern Region

Michael Brian, Northern Region

Laura Camac, Northern Region

Allyson Watson, Southern Region

Meetings held: 4

Peak Consultative Committee

**Meets bi-monthly to discuss
issues affecting Legal Aid NSW
in accordance with the Premier's
Consultative Arrangements.**

The members were:

Legal Aid NSW

Alan Kirkland, CEO

Russell Cox, Deputy CEO, Business
& Client Services

Jennifer Bulkeley, Director, HRM

Nohad Ghibely, Senior HRM

Consultant

Public Service Association

Sue Emery

John Moratelli

Stephen Spencer

Meetings held: 5

OTHER INTERNAL COMMITTEES

Central Sydney Civil Law Advice
Service Review Implementation
Committee

Civil Law Fees Reference Group

Community Legal Education Steering
Committee

Domestic and Family Violence
Committee

Executive Meeting Group

Expensive Criminal Cases Committee

Family Dispute Resolution Reference
Group

Family Violence Specialist Network

Grants Civil Law Liaison Committee

Grants Division ATLAS Working
Group

Grants Family Law Committee

Grants Issues Register Committee

Grants OH&S Sub-Committee

Grants Operations

Grants Professional Practices Branch

Grants Senior Managers

Grants Team Leaders

Human Rights Sub-Committee

IT Consultative Committee

IT Executive Committee

Learning Management System

Contributors Group

Learning and Development Executive

Legal Management Group

Library Review Implementation
Committee

Mental Health and Wellbeing Group

Regional Rural and Remote Working
Group

Savings Implementation Plan
Committee

Social Inclusion Consultation
Committee

Start-Up Grants Working Group

Systems Meeting

Systems Meeting Working Group

Trial Efficiency Working Group

Working with other organisations

Legal Aid NSW staff were members of over 130 inter-agency committees that contributed to improving access to justice for disadvantaged communities.

NATIONAL LEGAL AID COMMITTEES

Community Legal Education Child Support Network
Consumer Law Working Group
Dispute Resolution Working Group
Family Law Working Group
Grants and National Statistics Working Group
Human Resources Working Group
National Legal Aid Directors

NSW LEGAL ASSISTANCE FORUM (NLAF)

Domestic Violence Working Group
Prisoners Working Group
Recruitment and Retention of Lawyers in Rural, Regional and Remote NSW Working Group
Training Reference Group

LAW SOCIETY OF NSW COMMITTEES

Criminal Law Committee
Elder Law and Succession Committee
Family Law Issues Committee
Juvenile Justice Committee
Law Society Council
Law Week Board
Law Week Planning Committee
Young Lawyers Family Law Committee

ABORIGINAL FORUMS

Aboriginal Community Justice Groups, (Campbelltown and Mt Druitt and regional forums)
Aboriginal Family Planning Circle
Aboriginal Justice Units, Department of Justice and Attorney General
Closing the Gap Justice Targets, chaired by NSW Aboriginal Affairs
Good Service Forum (multi-NSW Government agency)
Tharawal (Campbelltown) Local Aboriginal Land Council and Medical Service

CIVIL LAW COMMITTEES

Administrative Appeals Tribunal, Social Security Appeals, Practitioners Consultation Group
Asylum Seekers Interagency Group
Australian Securities and Investments Commission Consumer Advisory Panel
Children in Detention Advocacy Project
Consumer, Trader & Tenancy Tribunal's Commercial Division Consultative Group
Consumer, Trader & Tenancy Tribunal's Tenancy Division Consultative Forum
Department of Immigration & Citizenship: NSW Asylum Seeker and Refugee Forum, Community Reference Group, Villawood Detention Centre Community Consultative Group
Discrimination Lawyers Group
Financial Ombudsman Service Board
NSW Homelessness Interagency Committee
Older Persons Law National Network
Older Refugees Interagency Meeting
Parks Legal Working Group
Planning for Later Life Interagency Forum
Predatory Lending Group
Public Interest Law Clearing House Board
Refugee Advice & Casework Service Management Committee
Refugee Council of Australia
Residential Parks Forum
Retirement Villages Advisory Council
Supreme Court Possessions List Users Group
Stolen Wages Solicitors Group
Tenancy Legal Working Party
Welfare Rights Centre Board
Women's Advisory Council, Department of Corrective Services

CRIMINAL LAW COMMITTEES

Audio Visual Steering Committee
Audio Visual Bail Court Working Group
Child Pornography Working Group
Children's Court Advisory Committee
Children's Court Assistance Scheme Advisory Committee
Children in Detention Advocacy (CIDnAP) Project
Commonwealth Director of Public Prosecutions/Legal Aid NSW Liaison Meeting
Corrective Services NSW/Legal Practitioner's Consultative Group
Court Referral of Eligible Defendants into Treatment (CREDIT) Committee, Department of Justice and Attorney General
Juvenile Bail Working Group, Department of Justice and Attorney General
Local Court Rules Committee
Local Courts Users Forums at various locations
Magistrates Early Referral into Treatment Steering Committee
Pacific Islander Community Outreach Project (Campbelltown), Department of Justice and Attorney General
Sexual Assault Taskforce Implementation Committee
Supreme Court Users Group
Sydney West Legal Services Group
Youth Justice Advisory Council
Youth Justice Coalition
Youth Conduct Orders Advisory Committee

Working with other organisations

DOMESTIC VIOLENCE

Apprehended Violence Orders Legal Issues Coordinating Committee (AVLICC), Department of Justice and Attorney General

Community Services, Staying Home, Leaving Violence Committee

Cross Agency Risk Assessment (CARAM) Committee, NSW Health

Domestic Violence Court Intervention Model Senior Officers Group, Department of Justice and Attorney General

Domestic Violence Senior Officer's Group, Department of Premier and Cabinet

Intersectoral Domestic and Family Violence Workforce Training (IDFVW), NSW Health

NSW Standardised Domestic Violence Package, Department of Justice and Attorney General

Safe Relationships Working Party, Inner City Legal Centre

FAMILY LAW COMMITTEES

Australian Dispute Resolution Association (NSW)

Ballina/Byron Family Centre

Bankstown Community Advisory Committee

Blacktown Community Interagency

CatholicCare, Wollongong

Child Support State Stakeholder Group

Child Support Liaison Group

Child Support National Stakeholder Engagement Group

Children's Court Advisory Committee

Children's Court Working Party

Children's Law News Editorial Board

Community Interagency Network (Blacktown, Wagga)

Court Users Forums

Domestic Violence Liaison Committees (Bankstown, Lismore, Tamworth)

Expert Advisory Committee on ADR, Department of Justice and Attorney General

Families in Transition (Northern Rivers)

Family Relationship Centres Legal Services Pilot Steering Committee

Family Relationship Centres

Community Reference Groups (Dubbo, Newcastle and Wollongong)

Family Pathways Groups (Hunter, Illawarra, Lismore, Northern Rivers, Riverina, Ryde)

Family Contact Centre Steering Committee (Newcastle)

Greater Sydney Families in Transition Network Group

Family Pathways Groups (Coffs Harbour, Hunter, Illawarra, Lismore, Nowra, Ryde)

Jean's Place Refuge (management committee)

Magellan Program, Family Court Steering Committee

National Mediation Accreditation Committee

Newcastle Interrelate

Northern Rivers Family Relationships Centre Advisory Group

Sydney South Community Reference Group (Interrelate Family Centre Caringbah)

Tweed Shire Integrated Response to Domestic and Family Violence Committee

Women in the Local Macarthur Area (women's health service)

Youth Connections, Housing NSW

GENERAL COMMITTEES

ATLAS Board

Audit and Risk Practitioner Network

Corporate Services Asset Management Sub-Committee, Department of Justice and Attorney General

Corporate Services Reform Group, Department of Justice and Attorney General

Court Information Act Committee, Department of Justice and Attorney General

Human Resource and Training Sub-Committee, Department of Justice and Attorney General

Joined Up Justice Governance Committee

Joined Up Justice Project Team (Public Prosecutions and Legal Aid NSW)

Joint Outreach Initiative Network (JOIN)

Justice Agencies OH&S Forum

Justice Executive, Department of Justice and Attorney General

Justice Sector Chief Information Officer (CIO) Forum

Justice Sector Information Exchange Communication Committee, Department of Justice and Attorney General

Law Access NSW Board

Learning and Development Managers Forum (across Public Sector)

Legal Information Access Centre Advisory Board

Legal Information and Referral Forum

Mid Size Agencies OH&S and Injury Management Forum (MIDAS)

Prime Minister's Council on Homelessness

Pro Bono Legal Services Committee

Public Interest Advocacy Centre Board

Public Sector CHRIS User Group

Training Working Group, Department of Justice and Attorney General

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 policies to make decisions which are fair, consistent and financially responsible and target those individuals in the community who have been determined as having high priority for our services. In deciding whether an applicant is eligible for legal aid, Legal Aid NSW may apply the following four tests which are summarised below.

1. JURISDICTION TEST

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
- Dissolution and nullity of marriage matters in limited circumstances
- Property proceedings
- Contempt and breach of court orders proceedings where the applicant is the respondent
- Appeals to the Social Security Appeals Tribunal and the Administrative Appeals Tribunal in relation to child support and maintenance decisions
- Proceedings concerning a special medical procedure for a child in the Family Court
- International child abduction matters in limited circumstances

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
- *NSW Trustee and Guardian Act 2009* 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*
- Control order matters
- Proceedings concerning a special medical procedure in the Guardianship Tribunal
- Proceedings before the Administrative Decisions Tribunal or the Industrial Relations Commission to obtain an exemption under Part 7 Division 2 of the *Commission for Children and Young People Act 1998 (NSW)*

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*
- *NSW Trustee and Guardian Act 2009* 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 (Feb 2009–2011).

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
- 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
- Consumer protection matters

Policies in brief

- 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 court attendance notice, except for traffic offences including 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 court attendance notice issued by a police officer 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
- 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 and Commonwealth matters
- Some matters where the applicant is participating in a restorative justice program

Criminal law: State and Commonwealth District, Supreme, Court of Criminal Appeal and High Court matters

- Indictable matters
- Appeals
- Proceedings under Part 7 and Part 8 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 looks at an applicant's income and assets in order to:

- assess whether that person is eligible to receive legal aid; and
- if that person is eligible to receive legal aid, to determine what contribution he or she should make towards 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 childcare 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 s/he 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.

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
- Some 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, administrative law and veterans' matters)
- Appeals in criminal matters
- Supreme Court bail matters
- Some matters associated with Children's Court proceedings (e.g. 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 5034.

30 June 2010

Glossary

Advice

Legal advice provided to a client by Legal Aid NSW lawyers and LawAccess NSW. 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*.

Appellate panel

A Specialist Barrister Panel is being established to provide advices to Legal Aid NSW on the merit of criminal appeals to the Court of Criminal Appeal (CCA) and the High Court; and prepare and conduct appeals before the Supreme Court, the CCA and the High Court.

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.

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.

Disability Action Plan (DAP)

A plan of action by Legal Aid NSW to provide inclusive services to people with a disability.

Duty services

Legal advice and representation provided at a court or tribunal for some matters not requiring a grant of aid.

EEO

Equal Employment Opportunity.

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 and LawAccess NSW.

In-house

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.

Financial glossary

Minor assistance

Work done in advice sessions (i.e. simple correspondence, phone call) but not where a formal legal aid application is submitted.

Multicultural Action Plan (MAP)

A plan showing the actions we are taking to enhance and promote multiculturalism within Legal Aid NSW.

Reporting period

From 1 July 2009 to 30 June 2010.

Social exclusion/inclusion

A situation in which some members of society do not feel part of society because of a range of factors, such as poverty and low income, unemployment, poor skills, isolation, poor health, family breakdown, crime, inadequate housing. Lack of access to reliable legal assistance can be a contributing factor in creating and maintaining social exclusion.

TRIM

Legal Aid NSW's records management system.

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 programs

Legal Aid NSW provides funding for the Community Legal Centres Funding Program and the Women's Domestic Violence Court Advocacy Program (pages 35-38, 135-136).

Index

Note: Entries in bold are reported in accordance with the Annual Reports (Departments) Regulation 2005, Annual Reports (Statutory Bodies) Regulation 2005 and the Commonwealth State Territory Disability Agreement.

30 years of legal aid 1, 4, 51–2

A

Aboriginal service delivery 15, 22, 41
 Aboriginal employees 3, 15, 41, 48
 Aboriginal forums 153
 Aboriginal Justice Committee 153
 Access and Equity Committee 154
 accessibility of legal aid 8
 accountability 66
 addresses, back cover
 ADR Blueprint Discussion Papers 28
 Adult Drug Court Service 24
 advisory committees 153
 advocacy service, review of 54
 after balance date events 129
annual report
 awards inside cover
 format inside cover
 legislation requirements 130–1
 production costs back cover
 appeals against decisions 66
 appropriations total 89
 assets 75, 79, 90–2, 101, 112, 118–9
 assigned matters see private lawyers
 ATLAS grants management system 33–5, 46, 53, 55, 68, 143
 audio-visual links 55
 Audit and Risk Committee 58, 63, 152
 audit remuneration 131
 Audit Strategy 34
 availability of funds test 159
 awards and achievements 50

B

balance sheet 69
 Board 58, 63, 71, 152
 brochures 137
 budget review 101–2
 Bunnerong meatworks, workers sacked from 19
 business continuity management plan 64
business hours back cover

C

CASES system 55, 143
 Chair 2, 4, 59, 71
 Chief Executive Officer 3–4, 42–3, 61, 134
 children in care case 30
 civil law 15–7, 20–1, 137, 145, 152, 155
 Client Assessment and Referral Unit 26
 clients 9, 15–6, 20, 22, 24, 29
 collaborations see partnerships
committees 42–4, 152–4
 Community Legal Centres 32, 35, 135, 152
 community legal education 7, 27, 146
 community organisation grants 35–8, 130

complaints handling 66
 compliance with financial directives 80
 conditional liberty case 25
 consultants 131
 Consumer Credit Legal Centre 21, 28
 Consumer Law Working Group 43
 consumer response 8, 14
 Cooperative Legal Service Delivery Program 32, 38–9, 153
 Corporate Plan 3, 5, 10–2, 14, 62
 corruption and fraud prevention plan 64
credit card certification 68
Credit Law Toolkit 21, 36
 credit regulation changes 21
 credit risk 103–4, 127
 criminal law 24–6, 137, 144, 155
Criminal Procedure Act 1986 26
 current assets 79, 90–1, 118
 current liabilities 79, 92
 custody case 23

D

development see learning and development; training
 directors 61
Director of Public Prosecutions v Emmanuel 65
Disability Action Plan 29, 49, 150
 domestic violence 18, 27, 37, 137, 156
 Drug Court 3, 7, 25
 duty services 6–7, 144
 duty solicitor scheme 30

E

early intervention 19, 23
Economic Value of Legal Aid 43
 eLearning modules 48–9
electronic service delivery 27, 34–5, 48–9, 53
 employee entitlements 90, 118
 employee relations 50
 employment types 140
energy management 56
 Environmental Consultative Committee 153
 environmental management 56
 equal employment opportunity 48–9, 141
 equity 75–6, 112–3
 ethical behaviour 62
executive performance statement 134
 expenditure 4
 civil law cases 20
 criminal law 24
 family law 22
 by program 67
 expenses 69, 74, 78, 85–6, 117

F

fact file 9
Fair Work Act 39
 family dispute resolution 7, 22, 54, 146
 family law 7, 19, 22–3, 137, 145, 156
Family Law Act 1975 6
 Family Law Legal Aid Review Committee 66
 Family Violence Specialist Network 22
 fees for Board members 58
 financial instruments 103–6, 127–9
 financial performance information 62–3
 fact file 9
 financial glossary 161
 financial statements 70–132
 summary 5, 67–9
 forums 42–4
 fraud control 64–5
freedom of information 65, 148–9
 funding 67–9, 130–2

G

General Criminal Law Panel 34
 General Family Law Panel 34
 glossary 160
 governance 57–66
 government contributions 78
 Government Law Group 50
 Grants Division 33, 46
 Grants Online system 34–5, 53
 Grants Sub-committee 152
 Ground Floor Advice Service 14

H

highlights 5
 homeless people 17, 53
HSBC Bank Australia Ltd v Murtough 64–5
 human resources see staff
 Human Rights Committee 153

I

independent auditor's reports 72–3, 109–10
 Indictable Appeals Unit 24–5
 Information Services 6
 information technology 54–5
 injuries and accidents 47
insurance 81
 integrated services 18–9
 Intellectual Disability Service Improvement Project 36
 inter-agency networks 12
 internal audits 63–4
 internet use 54–5 see also online courses
 interpreters, use of 29
 investing activities 77
 investment performance 132

J

job rotation policy 50
Joined Up Justice Project 55
jurisdiction test 157–8
Justice Executive Group 43
JusticeLink 55–6

K

‘Keep them safe’ response 23
key performance indicators 8

L

LARC secretariat 66
law reform 28, 142
Law Society of NSW 155
LawAccess NSW 1, 6, 32
Learn About the Law workshops 27, 39
learning and development 38, 48, 138–9
see also training
legal advice provided 6
Legal Aid Commission Act 1979 9, 62
Legal Aid Review Committee 58, 152
Legal Information and Referral Forum 43
Legal Profession Act 2004 9
legal representation provided 6
legal support officers 54
legislation 9, 21, 23, 26, 28, 142
legislation, compliance with 64–5 see also names of Acts
letter of submission inside front cover liabilities 75, 92–4, 101, 112
library 55
liquidity risk 105–6, 127–8

M

management 9, 45–56
mandate 12
means test 158–9
Mental Health Act 2007 7
Mental Health Advocacy Service 7, 16
Mental Health and Wellbeing Working Group 3, 45–6
Mental Health Review Tribunal 16
mental illness, clients with 16–7, 25
merit test 159
migrants, sessions delivered to 27
Morrison case 25
Mortgage Hardship Program 20, 36
Multicultural Action Plan 29, 151

N

National Consumer Credit Protection Act 2009 58
National Legal Aid 43, 155
National Partnership Agreement 43
net cost of services 74
non-current assets 91, 118–9
non-current liabilities 93–4
notes to financial statements 81–106, 115–29
NSW Legal Assistance Forum 32, 42–3, 155

O

occupational health and safety 46
Occupational Health and Safety Act 2000 9
Occupational Health and Safety Committee 154
Office of the Legal Aid Commission 62, 107–32
older people 15–6, 53
online courses 27, 48–9
operating activities 77, 114
operational statistics 144–7
organisational chart 60
organisational structure 9
organisational systems 53
outreach services 22, 40–1

P

panels for solicitors and barristers 33
partnerships 12, 31–44, 154–5
payment performance 130
Peak Consultative Committee 154
people see staffing
performance measurement 8–9
performance planning and development system 50
planning 14 see also Corporate Plan
policy and review 50, 157–9
Potier v Arnott and Ors 64
practice standards 34
Prime Minister’s Council on Homelessness 43
Priority 1: Social Inclusion 5, 10–2
Priority 2: Access to Justice 5, 10–2
Priority 3: Integrated Services 5, 10–2
Priority 4: Organisational Flexibility 5, 10–2
prisoners’ legal services 7, 20
privacy and personal information protection 65
Privacy and Personal Information Protection Act 1998 65
private lawyers 9, 30, 32–5, 146
procedural fairness case 21
professional ethics case 21
protected disclosure policy 65
provisions 93, 118–9
Public Finance and Audit Act 1983 9
Public Interest Advocacy Centre 36
Public Purpose Fund 26, 35, 163
publications 7, 137

R

records management 53
Regional Outreach Clinic Program 40
regional partnerships 38–41
Regional Solicitor Program 40–1
remote communities 38–41
Report on Legal Aid NSW Services to People in Domestic Violence Situations 37
repossession case 21
Residential Tenancies Bill 2009 28
resources 137
Respectful Workplace, The 49
revenue 74, 78, 86–8, 117
risk management 63–4, 132
rural communities 38–41

S

savings implementation plan 50
self-representation 22–3
service groups 78–9, 90
services 6–8, 12–30
service delivery targets 8
Sexual Offences Working Party 28
social media use 55–6
social security fraud 18
Special Commission of Inquiry into Child Protection Services 28
Specialist Domestic Violence Practitioner Panel 33
specialist services 7
staffing 46–8
by category 140
civil law cases 20
criminal law 24
employee relations 50
fact file 9
family law 22
Grants Division 33
human resources information 140
movements in wages, salaries and allowances 85, 115, 117
Start up grants 34
State vs Commonwealth matters 147
summary of operations 6–7, 144–7
Super Cuz 7
superannuation fund information 94–100, 119–26

T

technological change 54–6
terrorism offence case 30
training 44, 54, 138 see also community legal education; learning
translators, use of 29
Trial Efficiency Working Group 34
TRIM system 53, 55
trust funds 102–3

U

unrepresented litigants 22–3
unwanted marriage case 23

W

waste management 56
wildlife protection case 30
Women’s Domestic Violence Court Advocacy Program 32–3, 37–8, 42, 136, 153–4,
work related incidents 47
workers compensation 47, 132

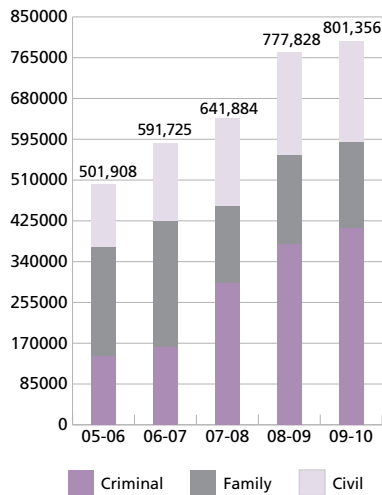
Y

young people as clients 18, 24, 137
youth hotline 7, 24

Five year performance trends

There has been a steady increase in client services

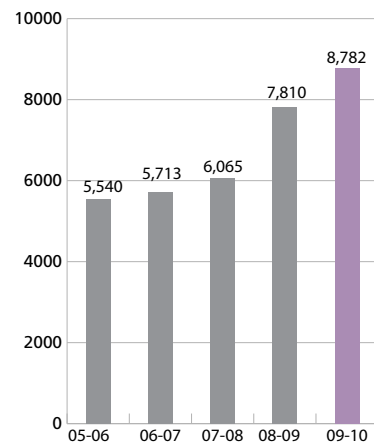
TOTAL CLIENT SERVICES BY LAW TYPE



Client services include legal advice, minor assistance, legal representation, duty services and information services (page 144). Community legal education sessions are excluded.

Minor assistance services have continued to grow significantly

MINOR ASSISTANCE SERVICES

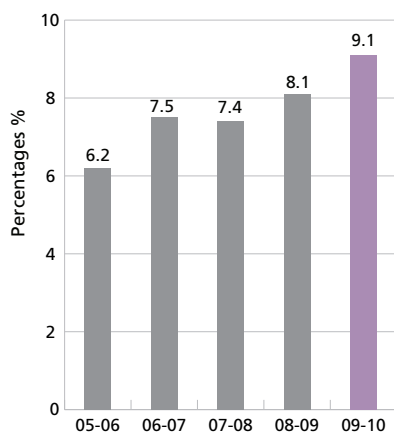


Work done in advice sessions, like letter writing and phone calls, helps people who cannot resolve their problem alone (pages 20, 22, 24).

PRIORITY 1: SOCIAL INCLUSION

We have increased our services to Aboriginal clients

PERCENTAGE OF TOTAL CASE AND IN-HOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS

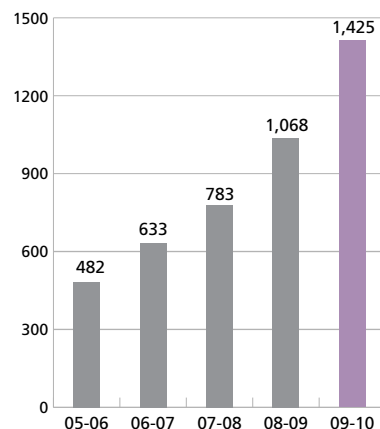


Services to Aboriginal people have increased over five years in all practice areas, with family law now having the largest percentage of Aboriginal clients at 12.2% (page 15).

PRIORITY 2: ACCESS TO JUSTICE

Community legal education sessions have increased significantly in five years

TOTAL COMMUNITY LEGAL EDUCATION SESSIONS

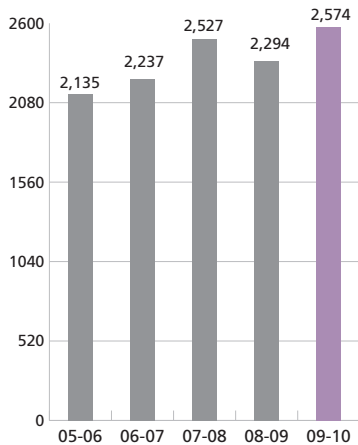


The significant increase in community legal education sessions is a combination of better reporting, coordination and more structured and strategic programs (page 27).

PRIORITY 2: ACCESS TO JUSTICE

Conferences have grown by 20.6% over five years.

TOTAL MEDIATION CONFERENCES IN FAMILY LAW

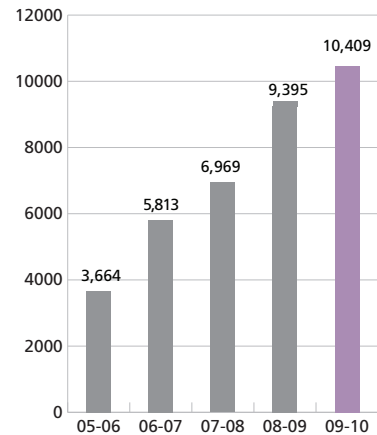


We continue to assist growing numbers of clients to resolve their family law disputes without going to court (pages 22, 146).

PRIORITY 2: ACCESS TO JUSTICE

A significant increase in AVL use since inception

AVL CONFERENCES HELD

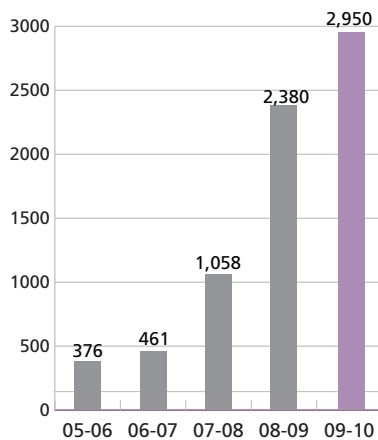


Legal Aid NSW staff use audio-visual link services to conduct interviews and bail applications (page 55).

PRIORITY 3: INTEGRATED SERVICES

There has been a substantial increase in lawyers on panels over five years

LAWYER APPOINTMENTS ON PANELS

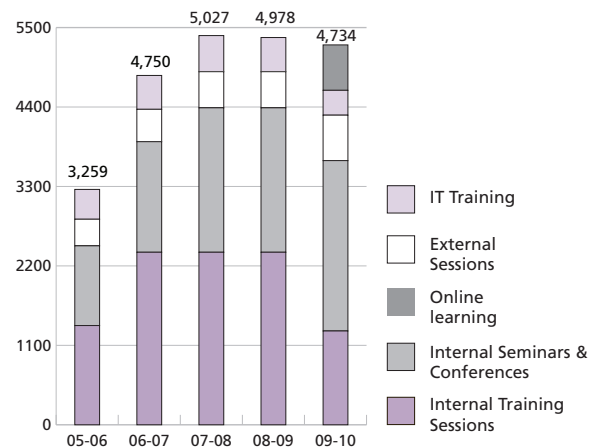


This substantial increase in the number of private lawyers on panels relates to the increases in panels and panel size (page 33).

PRIORITY 4: ORGANISATIONAL FLEXIBILITY

High participation in learning

COURSE ATTENDANCES



The decline in face-to-face sessions in 2009–2010 is offset by the growth of online learning options and increasing numbers of Learning and Management System users (pages 48–49).

Legal Aid NSW offices

Call LawAccess NSW on 1300 888 529 for help over the phone, or your nearest Legal Aid office to arrange a free advice interview.

Central Sydney

323 Castlereagh St
SYDNEY NSW 2000
Tel: 9219 5000
TTY: 9219 5126

METROPOLITAN OFFICES

Bankstown

Level 8, Civic Tower
66–72 Rickard Rd
BANKSTOWN 2200
Tel: 9707 4555

Blacktown

Suite 36–37,
'Kildare Court', Level 2
13–17 Kildare Rd
BLACKTOWN 2148
Tel: 9621 4800

Burwood

Level 4, 74–76 Burwood Rd
BURWOOD 2134
Tel: 9747 6155

Campbelltown

Suite 1, Level 4,
171–179 Queen St
CAMPBELLTOWN 2560
Tel: 4628 2922

Fairfield

Suite 1, Level 2,
25 Smart St
FAIRFIELD 2165
Tel: 9727 3777

Liverpool

Level 4 Interdell Centre
47 Scott St
LIVERPOOL 2170
Tel: 9601 1200

Manly

Ground Floor
39 East Esplanade
MANLY 2095
Tel: 9977 1479

Parramatta

Civil & Family Law

Level 5, 91 Phillip St
PARRAMATTA 2150
Tel: 9891 1600

Criminal Law

Parramatta Justice Precinct
Level 1, 160 Marsden St
PARRAMATTA 2150
Tel: 8688 3800

Penrith

95 Henry St
PENRITH 2750
Tel: 4732 3077

Sutherland

Ground Floor,
3–5 Stapleton Ave
SUTHERLAND 2232
Tel: 9521 3733

REGIONAL OFFICES

Coffs Harbour

41 Little St
COFFS HARBOUR 2450
Tel: 6651 7899

Dubbo

64 Talbragar St
DUBBO 2830
Tel: 6885 4233

Gosford

Level 2, 37 William St
GOSFORD 2250
Tel: 4324 5611

Lismore

Suite 6, Level 4,
29 Molesworth St
LISMORE 2480
Tel: 6621 2082

Newcastle

Level 2, 51–55 Bolton St
NEWCASTLE 2300
Tel: 4929 5482

Nowra

Suite 1, Level 2,
55–57 Berry St
NOWRA 2541
Tel: 4422 4351

Orange

Suite 4, 95 Byng St
ORANGE 2800
Tel: 6362 8022

Tamworth

Level 1, 424–426 Peel St
TAMWORTH 2340
Tel: 6766 6322

Wagga Wagga

Ground Floor, Suite F,
Best Place, Morrow St
WAGGA WAGGA 2650
Tel: 6921 6588

Wollongong

Ground floor
73 Church St
WOLLONGONG 2500
Tel: 4228 8299

OFFICE HOURS:

Central Sydney:
8.30am to 5.30pm

All other offices:
9.00am to 5.00pm



People who are hearing or speech impaired can communicate with us by calling the National Relay Service (NRS) on 133 677.