





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 New South Wales.

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 Greg Smith SC.

The Hon Greg Smith SC  
Attorney General and Minister for Justice  
Farrer Place  
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 2012. 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

A handwritten signature in black ink, appearing to read "Bill Grant".

Bill Grant  
Chief Executive Officer

October 2012

## Our role

Legal Aid NSW helps people to understand and protect their legal rights. We do this through advice, advocacy, representation and education, focusing on disadvantaged people and communities.

## Our priorities

- Promoting access to justice
- Pursuing excellence in legal services
- Supporting our people
- Linking services

## Our commitment

We are committed to:

- providing an expert service
- being inclusive and respectful
- making a difference

## Our history

Our organisation was established under the *Legal Aid Commission Act 1979*. Recent years have seen considerable growth in advice and minor assistance services, the development of cutting edge community legal education programs and the establishment of specialist services across legal practice areas.

*Cover: Legal Aid NSW is committed to providing responsive services to diverse people and communities in New South Wales. Here, lawyers Madeleine Schneider and Jasmine Stanton consult with staff member May Fahmi on providing culturally appropriate services to non-English-speaking background clients.*

*You can read more about our equity and diversity services on pages 27-28 whilst Appendix 10 has a summary of achievements from our Multicultural Action Plan.*

## ABOUT THIS REPORT

**This annual report reviews and reports our activities and performance, including what we set out to do in our Legal Aid NSW Plan for 2011–2013, based on four key priorities – Promoting Access to Justice; Pursuing Excellence in Legal Services; Supporting our People; and Linking Services.**

Achievements in this report are aligned with focus areas from the plan such as service expansion in regional and remote areas, early intervention strategies, better information and referral services, and strong partnerships so we can respond better to clients' changing legal needs.

This report incorporates all operational activities of our organisation, including joint initiatives. It reflects our commitment to effective corporate governance through openness and accountability and provides an account of our revenue and how we have used public funds.

As well as the year past, the report looks to the year ahead and comments on the challenges facing Legal Aid NSW in a difficult economic climate.

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

Last year's annual report received a Gold Award from the Australasian Reporting Awards—our fifth Gold Award.

This is our thirty-third annual report. This and some earlier annual reports are available on the Legal Aid NSW website: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

Printed copies are available on request by contacting us on (02) 9219 5028.

This year our annual report is available in HTML as well as the traditional pdf format. The HTML version is designed to be quick to view, easy to navigate and reference, and provide a better overall user experience. The new accessible online format has allowed us to reduce the number of printed reports and make cost savings.

Visit [www.legalaid.nsw.gov.au/publications>annualreports](http://www.legalaid.nsw.gov.au/publications>annualreports).

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**On behalf of the Board I am pleased to introduce the 2011–2012 Annual Report.**

I am privileged to chair a Board that comprises members with diverse skills from a variety of backgrounds. This only enhances the perspectives the Board brings to implementing its charter, set out in section 15 of the *Legal Aid Commission Act 1979*, to establish the broad policies and strategic plans of Legal Aid NSW.

Board members are appointed by the Attorney General and it is our role to ensure that policies that govern the provision of legal aid are appropriately targeted and accurately reflect the needs of disadvantaged people in New South Wales.

**Responding to changing needs**

This year the Board approved changes to policies to expand the provision of legal aid in certain migration matters, employment law matters, matters in relation to the sexual assault communication privilege and family law contravention matters. The Board approved amendments to criminal law fee scales and to Commonwealth fee scales allowing for a modest increase in fees paid to private lawyers in Commonwealth matters.

The Board was pleased to be involved in decisions about the most efficient and effective response to the decision in *Muldrock v The Queen* relating to standard non-parole periods, approving

The creation of a small team of practitioners to review matters to which a standard non-parole period may apply.

The Board provided strategic input in relation to the establishment of a range of new services and projects funded under the National Partnership Agreement (NPA) on Legal Assistance Services. Overseeing progress of Legal Aid NSW against performance indicators in the NPA was also a regular item of Board discussion.

**Quality services**

An important role for the Board is to ensure the efficient delivery of high quality legal services. This year the Board oversaw the development of a new process to allocate duty back-up work in the Sydney region. The Board is pleased that Legal Aid NSW will soon begin work to extend these guidelines to the allocation of duty work in regional areas.

The Board was also pleased to be briefed on other measures being considered by Legal Aid NSW to ensure efficient and effective delivery of services including improvements to professional development for solicitors and the advantages and challenges that may come with introducing activity-based costing.

**THE BOARD STEERED LEGAL AID NSW SMOOTHLY THROUGH A TRANSITION PERIOD.**

**Managing transition**

The Board steered Legal Aid NSW smoothly through a transition period which ended with the appointment of Bill Grant as the Chief Executive Officer in December 2011. I am grateful to Richard Funston for the contributions he made as the Acting Chief Executive Officer.

## CHAIR'S REPORT

The Board was also pleased to be regularly briefed on the progress of initiatives to improve staff health and wellbeing at Legal Aid NSW.

**The year ahead**

The term of the current Board ends on 8 November 2012. It has been a privilege to lead the Board over the last three years and I want to thank my fellow Board members for their commitment and dedication.

I would like to congratulate Ian McClintock SC, who has been appointed to the District Court and thank him for his service on the Board. I want to also acknowledge the dedication and commitment of Reverend Harry Herbert who will be retiring in October 2012. He has been an invaluable member of the Board of Legal Aid NSW for 19 years, advocating tirelessly for the needs of disadvantaged people across NSW. His passion and sense of justice, as well as his corporate history, will be sorely missed on the Board and we wish him well.

I would also like to extend my thanks and congratulations to John McCarthy QC, who has made an invaluable contribution to the Legal Aid Review Committees for the past 24 years. John has been appointed as the Australian Ambassador to the Holy See.

I am confident that, by working closely with the CEO and a talented team of Executive Directors, the budget challenges over the next few years will be met without diminishing the high quality services to clients for which Legal Aid NSW is known.

Hon Peter Collins AM QC  
Chair, Legal Aid NSW

## CEO'S REPORT

### I am pleased to present the Legal Aid NSW 2011–2012 Annual Report.

On my return to Legal Aid NSW in December 2011, I was delighted to see the growth in innovative legal services that had occurred over the last few years, particularly as a result of an increase in funding under the National Partnership Agreement on Legal Assistance Services. I was also pleased to see that staff mental health and well being had become an organisational priority.

It is my view that Legal Aid NSW is leading the country in a range of areas. Our regional partnerships with other service providers have never been stronger, our responses to changing and increasing demands are quick and highly effective and, in partnership with the Aboriginal Legal Service (NSW/ACT), we continue to improve our service delivery in order to meet the legal needs of Aboriginal people across New South Wales.

### Promoting access to justice

I am pleased that we have continued to deliver another significant growth in services this year. While we have increased our overall services by 14% this year, our advice and minor assistance services have significantly increased. This comes as a result of increased funding from the Commonwealth under the National Partnership Agreement on Legal Assistance Services which requires us to meet service targets for early intervention services.

This year the demand for criminal law services—in both the State and Commonwealth jurisdiction—has increased considerably with corresponding challenges to our budget.

We responded quickly to deliver legal services to more than 100 people who had been charged with people smuggling offences and whose matters had been moved to New South Wales. We worked hard to get matters listed for trial and sentence expeditiously.

We focussed on resolving issues for people who were under 18 years of age at the time of the offence and I am proud that, as a result of the work by both our inhouse and private lawyers, there are no matters pending in New South Wales which involve a juvenile accused person. We have also actively participated in various law reform processes in relation to people smuggling and have a number of appeals in higher courts underway.

Following the decision in *Muldrock v The Queen* we swiftly mobilised a small team of lawyers who, for a period of 12 months, are reviewing the sentences of prisoners for whom a standard non-parole period was applied. This new team is working closely with Public Defenders and barristers from the private bar. We have also been generously assisted by Corrective Services NSW and the Judicial Commission of NSW.

I would like to acknowledge the assistance we continue to receive from the NSW criminal bar to whom we remain indebted. The successful outcomes we have been able to achieve for our clients would not be possible without their legal expertise.

This year with additional State Government funding we established a service to promote Work and

OUR FINANCIAL RESULT FOR 2011–2012 WAS OUTSTANDING, COMING VERY CLOSE TO BUDGET.



Development Orders which allow disadvantaged people to work off their fines through education, training and volunteer work. The Service is delivered in partnership with the Aboriginal Legal Service (NSW/ACT) and the NSW State Debt Recovery Office. In its first six months the service has made an outstanding impact markedly increasing the number of community organisations in regional areas who are willing to sponsor clients to work off their fines.

### Pursuing excellence in legal services

Ensuring our lawyers deliver the highest quality services to clients is critical for Legal Aid NSW. For this reason, this year we increased the number of private lawyers on specialist Legal Aid NSW panels by 13% to ensure quality services for our clients.

Legal Aid NSW continues to be committed to providing excellence in legal services to clients experiencing or involved in domestic and family violence. It is essential for all staff to be able to recognise and respond appropriately to clients who are or have experienced domestic violence.

For this reason, this year we also began delivering Domestic and Family Violence Awareness training for staff.

### Supporting our people

I am particularly proud of our initiatives this year to improve staff mental health and wellbeing across Legal Aid NSW. To start, we commissioned a survey in December 2011 to provide us with a baseline snapshot of staff health and wellbeing. We have now begun delivering wellbeing-related resilience training to all staff across Legal Aid NSW. I anticipate that close to 70% of all Legal Aid NSW staff will receive this training by the end of 2012. We are also trialling well-checks and debriefing for front line staff who work in areas of law that are particularly stressful.

I trust that with the activities we are putting in place over the next few years, we can substantially improve staff mental health and wellbeing.

This year we also commenced an iPad trial for a small group of our criminal lawyers. The trial has increased productivity as lawyers can attend to other matters during breaks at court. The use of iPads has also improved services to clients as our lawyers now have a greater range of legal resources at their fingertips while at court.

### Linking services

This year we launched our new website which vastly improved information about, and access to, our services. The popular *Find a Legal Aid NSW Service* function allows community workers, clients and their families to do a postcode, suburb or region search for all services provided by Legal Aid NSW. The website was a finalist in the 2012 Australian Web Awards.

To better inform our partners, particularly private lawyers, we launched a monthly Legal Aid NSW electronic newsletter which sets out information about Legal Aid NSW services, changes to policies and procedures and changes to the law.

### Financial performance

Our financial result for 2011–2012 was outstanding, coming very close to budget. In achieving this result we had the difficult task of increasing our Commonwealth services as required under the National Partnership Agreement and operating with increased savings targets from our State funds without impacting on service delivery. While we successfully achieved these aims in 2011–2012, we will now need to deal with a more difficult financial position in 2012–2013.

I would like to thank the Board of Legal Aid NSW for their strategic leadership over the last year under its Chair Peter Collins AM QC. I want to thank the Executive team for their support, commitment, vision and hard work over the last year. Most of all I would like to thank the staff of Legal Aid NSW who work tirelessly to assist disadvantaged people in NSW to resolve their legal problems.



Bill Grant  
CEO, Legal Aid NSW

## HIGHLIGHTS AT A GLANCE

### What we did

**We provided 931,141 client services (a 13.8% increase from 2010–2011) and introduced more programs and services by allocating resources effectively.**

The biggest percentage increase was in minor assistance services – work done in advice sessions that helps people resolve their legal problem but does not require a formal application for legal aid. These services increased by 108%. This reflects the reforms set down by the Commonwealth Government under the National Partnership Agreement (NPA) on Legal Assistance Services. The NPA provided additional Commonwealth funding and required a 30% increase in early intervention services, such as minor assistance, by 2014.

More early intervention programs have helped people resolve their legal issues at an early stage whilst expanded regional programs brought our services into the reach of more people in rural and regional New South Wales.

We achieved most of the goals from the first year of the Legal Aid NSW Plan 2011–2013, placing us in a strong position for the second year of the plan.

**There are four priorities in the 2011–2013 Legal Aid NSW Plan:**

#### PRIORITY: ACCESS TO JUSTICE

Increased minor assistance services by 108% (pp 20–21)

Expanded outreach locations to 153 (p 38)

Launched a new website (p 30)

Launched a multimedia package for separating families (p 26)

Established two specialist units for serious criminal offences (pp 14–15)

Established the Work and Development Order Service for fines debt (p 14)

Commenced the Specialist Barrister Panel (p 33)

Established a Referral Strategy and Network (p 25)

Launched a privacy legal service for victims of sexual assault (p 22)

Provided 46 law reform submissions (pp 29, 137)

#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

Appointed 458 more lawyers to panels—a 13% increase on last year (p 33)

Developed ‘communities of practice’ in civil law (p 51)

Conducted independent reviews and evaluations of our services (p 50)

Began a rollout of statewide domestic violence training (p 15)

Established a research alliance (p 42)  
Commenced a web conferencing trial (p 43)

Appointed Aboriginal Field Officers in Walgett and Coffs Harbour (pp 16, 43)

Launched a new professional development program for family lawyers (p 49)

#### PRIORITY: SUPPORTING OUR PEOPLE

Developed a Health and Wellbeing Strategy (p 46)

Actioned 70% of recommendations from an independent health report (p 49)

Surveyed staff on work-related stress (p 46)

Trained staff on how to manage stress (p 48)

Undertook an iPad trial (p 52)

Improved Business Intelligence systems (p 52)

#### PRIORITY: LINKING SERVICES

Launched a monthly e-newsletter (p 41)

Established an Outreach Advice Network (p 52)

Established an Offshore Asylum Seeker Project partnership (p 41)

Assisted private lawyers in the Shoalhaven to prepare s32 (*Mental Health Act 2007*) case plans (p 25)

### Financial management

Our net financial result was a loss of \$0.2 million, which is a \$0.7 million improvement on the budgeted deficit.

FINANCIAL SUMMARY	2010–2011 (\$M)	2011–2012 (\$M)	CHANGE (%)
OPERATING REVENUE	230.1	243.6	5.9
OPERATING EXPENSES	230.2	244.7	6.3
TOTAL ASSETS	97.8	100.9	3.2
TOTAL LIABILITIES	62.1	92.5	49
SURPLUS / (DEFICIT)	(0.6)	(0.2)	(66.7)
NET EQUITY	35.8	8.4	(76.5)

## MEASURING PERFORMANCE

Measuring our performance helps us improve our services to clients and the community. Legal Aid NSW has maintained a solid performance effort in 2011–2012. We provided more information, advice, duty and minor assistance services. We have sustained the quality of our services with 97.7% of inhouse file reviews being satisfactory. A client survey in 2011

showed an 89.5% satisfaction rating. Another survey will be conducted in 2012–2013.

In 2012–2013 we will be undertaking a review of our key performance indicators which have remained static for several years. The review is timely given the start of a new planning cycle, improved reporting capability through implementation of our new

business intelligence reporting tool, and the results emerging from the review of the National Partnership Agreement by the Commonwealth. Consequently, performance reporting and service delivery targets in next year's Annual Report will vary from those shown in the present Annual Report.

### KEY PERFORMANCE INDICATORS

Performance Area	RESULT 09–10	RESULT 10–11	RESULT 11–12
<b>Community awareness of legal rights and responsibilities</b>			
Client satisfaction rating	N/A (survey not conducted during 2009–10)	89.5%	N/A (next survey to be conducted 2012–13)
Average waiting time for advice appointments	1.12 weeks	0.94 weeks	0.84 weeks
Number of information services provided	497,872	514,060	609,299
Rate per 100,000 of NSW population accessing information services	6,991	7,138	8,367
Number of advice and minor assistance services provided	93,666	97,315	111,347
Rate per 100,000 of NSW population accessing advice and minor assistance services	1,315	1,351	1,529
Number of publications distributed	634,496	647,800	678,103
Rate per 100,000 of people accessing publications	8,910	8,995	9,312
<b>Accessibility of legal aid</b>			
Means test income limit as a % of national minimum weekly wage	58.5%	55.8%	54.0%
Percentage of Local Court sittings serviced by duty lawyer schemes	100%	100%	100%
<b>Representation service standards</b>			
Percentage of satisfactory comprehensive inhouse file reviews	97.4%	97.8%	97.7%
Number of Legal Aid NSW lawyers with specialist accreditation	65	68	71
Number of Legal Aid NSW lawyer attendances at training sessions	2,648	2,034	2,471
Number of private lawyer attendances at Legal Aid NSW training sessions	1,560	796	878

## SERVICE DELIVERY TARGETS

An overview of service delivery targets and results relating to delivery of Legal Aid NSW services

Measure (total number)	2010–2011 performance	2011–2012 target	2011–2012 performance	2012–2013 target
Legal advice services	85,239	90,000	86,271	87,000
Information services	514,060	530,000	609,299	615,000
Inhouse and assigned duty services	168,007	170,000	171,744	172,000
Conferences - family dispute resolution	2,486	2,600	2,586	2,620
Community legal education sessions	2,148	2,150	2,211	2,250
Outreach advice services	10,092	11,000	11,446	11,800
Locations with regular outreach legal services*	146	150	153	165
Locations with regular outreach for Aboriginal communities	12	14	20	22

\*Where inhouse practice areas conduct outreach in the same location, the location is only counted once. Includes outreach locations of the Regional Outreach Clinic Program and the Cooperative Legal Service Delivery Program.



# NATIONAL BENCHMARKING

## Commonwealth funding to Legal Aid NSW is governed by the National Partnership Agreement on Legal Assistance Services (NPA) 2010–2014.

The National Partnership Agreement requires Legal Aid NSW to report to the Commonwealth every six months on progress against performance benchmarks and related indicators set out in the NPA.

### PRIORITY: EXCELLENCE IN LEGAL SERVICES

Legal Aid NSW has made substantial progress against the performance indicators set out in the NPA. The rate of growth in the majority of services provided by Legal Aid NSW under the NPA has increased significantly as initiatives funded through the NPA continue to be implemented. After two years of operation, solid results have been achieved across all areas, with total services already exceeding the 25% performance benchmark set by the Commonwealth. Results in early intervention services have been particularly strong. Preventative services are included within the total of all services and, while not subject to a separate performance indicator, achieved an increase of 30% from the benchmark year.

One of the benchmarks that measures our success with clients is “less than 20% of legal aid grant recipients return seeking a grant of legal aid for the same type of matter within a 24-month period”.

We satisfied this benchmark, with only 8.6% of clients returning.

Highlights of some of the results we have achieved halfway through the term of the NPA are indicated in the table below.

### New projects and services funded under the National Partnership Agreement

#### A selection of highlight projects:

#### Civil and family law outreach services to culturally and linguistically diverse communities

This new service will provide outreach legal services in immigration and family law to clients in Migrant Resource Centres across Sydney. Legal Aid NSW has entered into a partnership with Settlement Services Australia, a peak body representing Migrant Resource Centres, to receive advice about needs for legal services and outreach locations.

#### Visa cancellation service

A new senior lawyer will be employed in the civil law practice to conduct visa cancellation matters on character grounds under s501 of the *Migration Act 1958* (Cth) in the Administrative Appeals Tribunal.

#### Payday lending project

This project will protect financially vulnerable people from unlawful activity in the ‘small amount’ credit market and help them to pursue sustainable credit options.

#### Inhouse mediators in Family Court registries

A specialist lawyer/family dispute resolution practitioner will continue to be based at Parramatta Family Court to provide a mediation service on litigation matters as part of the Court Ordered Mediation Project. This mediation service will also be expanded to the Sydney Registry of the Family Court.

#### Expansion of civil law outreach services

New civil law outreach services will assist people in rural and remote communities including the Far West, Tamworth and Orange, people at risk of homelessness, people with chronic mental illness and young people.

#### Specialist family violence lawyer

A senior lawyer will coordinate a cross-practice, whole-of-organisation approach to domestic and family violence. Funding includes training all staff over the next two years to improve the knowledge and understanding of domestic violence issues.

#### Community legal education package on cyberbullying

A new community legal education (CLE) resource will be developed targeting young people and parents about the risks of cyberbullying and sexting. The CLE package will include a web-based tool for use in training and will be delivered in rural and regional New South Wales.

## REPORTING AGAINST COMMONWEALTH BENCHMARKS<sup>1</sup>

Performance Indicator	Performance Benchmark	2011–12 Service Count	2009–10 Service Count	Comment
Number of early intervention services delivered	30% increase in the number of early intervention services	78,832	59,927	Between 2009–10 and 2011–12 there was a 31.5% increase in early intervention services <sup>2</sup>
Total number of services delivered	25% increase in the total number of services delivered	7,141,757	5,498,356	Between 2009–10 and 2011–12 there was an increase of 29.9% in total services.

<sup>1</sup>Due to timing differences in data extraction, service volumes reported against Commonwealth benchmarks will be different to those provided in the Annual Report.

<sup>2</sup>Excludes State criminal law services.

## LEGAL AID NSW PLAN 2011–2012: A SNAPSHOT

### PRIORITIES, FOCUS AREAS AND ACHIEVEMENTS

#### PROMOTING ACCESS TO JUSTICE

##### Expand advice and minor assistance services especially in regional and remote areas

- Expanded regular outreach locations to 153, many addressing the legal needs of Aboriginal communities (p 38).
- Delivered employment law services to workers at risk of longer term exclusion from the workforce (p 23).
- Established a Work and Development Order Service to assist with orders for fines debt (p 14).
- Increased minor assistance services by 108% (pp 20, 22).

##### Improve access to legal assistance through better information and referral services and targeted communication strategies

- Implemented the new Legal Aid NSW website (p 30).
- Developed a database of Legal Aid NSW services, collected new data on referrals and established a Referral Network (pp 25, 51).
- Commenced the Specialist Barrister Panel for complex criminal law matters (p 33).
- Established a website, *Best for Kids*, for families going through separation and developed a social media strategy for this initiative (p 26).

##### Advocate for reform of the legal system in areas that impact significantly on the lives of disadvantaged people particularly youth detention

- Provided 46 law reform submissions (p 29).
- Established a Sexual Assault Communications Privilege Service for victims of sexual assault (p 22).

#### PURSUING EXCELLENCE IN LEGAL SERVICES

##### Improve training for lawyers especially those providing services at court

- Implemented a file review and learning and development program in family law (pp 48, 49).
- Commenced rollout of state-wide domestic violence training (p 15).
- Developed ‘communities of practice’ around employment law, payday lending, and Indigenous consumer law to meet the professional development needs of staff (p 51).

##### Review our processes for selecting, monitoring and communicating with panel lawyers

- Reviewed and improved five private lawyer panel processes; commenced reviews of other panels (p 34).
- Appointed 458 more private lawyers to panels (p 33).
- Developed guidelines and selection criteria for private lawyers providing backup duty work in criminal law (p 34).

##### Develop improved models of service delivery for Aboriginal and culturally diverse communities

- Appointed Aboriginal Field Officers in Walgett and Coffs Harbour (pp 16, 43).
- Commenced a web conferencing trial with the Aboriginal Legal Service in Walgett/Dubbo and Grafton (p 43).
- Implemented recommendations from a review of the Aboriginal Legal Access Program through CLCs (p 35).

##### Conduct regular service evaluations to identify and drive good practice

- Reviewed the Children’s Court Assistance Scheme and the expansion of the Women’s Domestic Violence Court Advocacy Program (pp 35, 37).
- Established a strategic alliance with the Law and Justice Foundation of NSW to improve service delivery through research (p 42).

#### YEAR AHEAD

- Implement a wide range of projects that will deliver increased advice and minor assistance services
- Implement services to complainants and defendants in domestic violence and sexual assault matters
- Provide legal assistance to people with high levels of unpaid fines and debt
- Develop an Aboriginal Reconciliation Action Plan
- Deliver innovative legal services to people living in rural and remote communities through the use of technologies
- Develop a strategy and resources to improve communication with new and emerging communities

- Review the effectiveness and efficiency of outreach services including a review of the Regional Outreach Clinic Program and the Cooperative Legal Services Delivery Program
- Review the effectiveness of the private lawyer panels
- Review the criminal law committals and indictable practices to increase cost-effectiveness and efficiency and improve services for clients

*Note: Some focus areas lend themselves to more than one priority therefore there may be some overlap.*

**SUPPORTING OUR PEOPLE**

**Promote the health and wellbeing of staff through a wide range of initiatives**

- Commenced implementing a Health and Wellbeing Strategy (pp 46).
- Actioned 70% of agreed recommendations of the Medibank Health Solutions Report (p 49).
- Trained managers and staff on managing stress (p 48).
- Surveyed staff on work-related stress (p 46).

**Promote and support professional development and career opportunities for staff**

- Supported legal staff in acquiring specialist accreditation (pp 6, 49).
- Provided training to legal staff who deliver community legal education (pp 26).

**Improve support for our inhouse legal practice through better communication, information sharing and technology**

- Undertook an iPad trial for criminal lawyers (p 52).

**Enhance our ability to respond to changing workload and legal needs through improvements to business information systems**

- Commenced development of a new Business Intelligence Tool to improve decision making, resource management and service delivery (p 52).
- Redeveloped the management system for the community legal education program (p 26).

- Continue our work in promoting and supporting the health and wellbeing of our staff
- Increase Aboriginal employment through retention and targeted recruitment strategies
- Implement new business systems and technology to improve efficiency and support the work of our staff
- Review our data and information needs and develop a new strategy for management reporting and analysis
- Conduct a post-implementation review of the grants management system

**LINKING SERVICES**

**Promote a culture of 'one Legal Aid' to improve internal referrals for clients across a range of services**

- Developed and implemented a new Communications Strategy to improve internal and external communication (p 30).
- Launched a monthly e-newsletter Legal Aid News on the website (p 41).
- Established an Outreach Advice Network to improve practice, coordination and governance of outreach services (p 52).

**Work with other agencies to respond to clients' legal and non-legal needs**

- Assisted private lawyers in the Shoalhaven area to prepare and implement case plans in s32 applications and conducted an initial evaluation of the pilot (p 25).
- Established an Offshore Asylum Seeker Project partnership with the Public Interest Law Clearing House NSW to assist people in immigration detention refused refugee status (p 41).
- Established a single point-of-contact service desk for all support calls (p 53).
- Worked with family law pathways networks to develop better family law services for Aboriginal clients (p 44).
- Provided intensive disability casework services for young people with cognitive impairment making s32 applications (p 25).
- Developed a Domestic and Family Violence Strategy for 2011–2013 to improve service coordination (p 37).

- Develop new and innovative partnerships to improve access to justice for disadvantaged people
- Develop more effective collaboration with panel lawyers and our service partners
- Evaluate the Community Legal Centre (CLC)/Legal Aid NSW partnership program

## Finance

**Our total income was \$243.6 million and we spent \$244.7 million.**

Of our total expenditure, 49.4% was spent in criminal law services, 26.3% in family law services, 12.7% in civil law services and 11.6% in community partnership programs. See the financial summary on page 66 for details about where our funds come from and how we spend them. Details of our community partnership program funding can be found in Appendices 5 and 6.

## People

We employed 965 staff (882.72 full-time equivalent), 427 in regional offices and 538 in the Central Sydney office. Of that total, 477 staff are lawyers and 488 are employed in administrative and corporate services roles. Seventy one lawyers have specialist accreditation (NSW Law Society qualifications for expertise in the field).

## Management

An independent board oversees our long-term strategic direction, whilst the day-to-day management is overseen by the CEO, assisted by a Deputy CEO, Operations, and eight Executive Directors. See pages 56–59 for their achievements and profiles.

## Private lawyers – key partners

In 2011–2012, 42.5% of our case and duty services were provided by private lawyers. See Assigned Grants and Duty Services in Appendix 7.

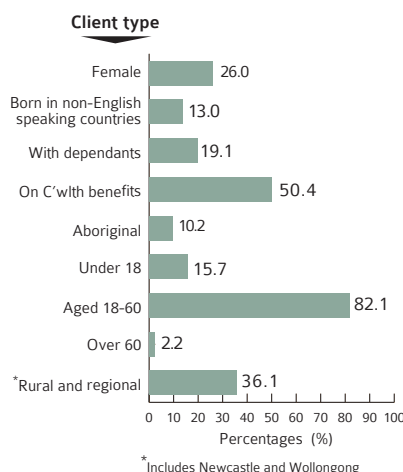
## Structure

Our organisation is made up of nine areas – Criminal Law, Family Law, Civil Law, Grants and Community Partnerships, Strategic Policy, Planning and Management Reporting, Finance, People and Organisational Development, IT Services and Records, and Operations Support.

**WE INCREASED MINOR ASSISTANCE SERVICES BY 108%.**

Three of these divisions are legal practices – civil law, family law and criminal law (pages 20–24). Each legal practice has a number of specialist services (page 12). Our organisational chart appears on page 60.

### LEGAL AID NSW CLIENT PROFILE BASED ON TOTAL CASE GRANTS & INHOUSE DUTY SERVICES

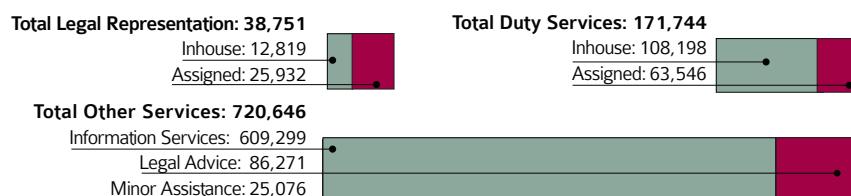


## Clients

The majority of services delivered by Legal Aid NSW are provided to people from disadvantaged socio-economic groups. This includes people on low incomes, from rural and regional areas and from non-English-speaking backgrounds.

Our client profile has remained relatively stable in the last five years, however the percentage of total case and inhouse duty services provided to Aboriginal people increased from 7.4% in 2007–2008 to 10.2% in 2011–2012.

### TOTAL CLIENT SERVICES IN 2011–2012: 931,141



## FACT FILE

This reflects an emphasis by Legal Aid NSW on meeting the needs of one of its most disadvantaged client groups, particularly in family and civil law.

## Performance

Our work is guided by a number of plans, including the Legal Aid NSW Plan and the Legal Aid NSW Operational Plan.

Our key performance indicators measure how we are performing in accomplishing our goals. The Legal Aid NSW Plan appears on pages 8 and 9, and key performance indicators are on page 6.

We also have an agreement with the Commonwealth Government, reporting every six months on our progress against performance benchmarks and indicators set out in the agreement. This is summarised on page 7.

## Key legislation

Our organisation is 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 managed in accordance with s18 of the *Work Health and Safety Act 2011*.

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



*Iliana Cruz Montalvo from the Parramatta office takes time out from office duties to explain our services to members of the public during Law Week 2012.*

**The following two pages capture a snapshot of our client services, and statistics for 2011–2012. Three-year comparison tables can be viewed in Appendix 7.**

Details about our achievements in client service delivery are summarised in the Legal Aid NSW Plan (pages 8–9) and expanded upon in Section 1 of this report.

### **Information**

**Provided 609,299 information services, an increase of 18.5% on 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 printed 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 more help.

Information over the phone is available through LawAccess NSW, a free legal information, referral and limited advice service administered by the Department of Attorney General and Justice, and partly funded by Legal Aid NSW.

## **A SNAPSHOT OF OUR SERVICES**

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

### **Legal advice and minor assistance**

**Provided 111,347 advice and minor assistance services, an increase of 14.4% on last year.**

Legal advice is available at no cost.

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.

### **Duty lawyer services**

**Provided a total of 171,744 duty services (108,198 of these were provided inhouse and 63,546 were provided by private lawyers).**

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

Duty lawyers provide advice and/or representation to disadvantaged 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.

Duty lawyer services are available for children and disadvantaged adults involved in care and protection matters at every specialist Children's Court in NSW, and at 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 at the Mental Health Review Tribunal.

Legal Aid NSW also provides duty lawyer services for disadvantaged people involved in proceedings under the *Family Law Act 1975* (Cth) and child support legislation. These services are provided across the state in the Family and Federal Magistrates Courts.

### **Legal representation**

**Provided representation in 38,751 matters (12,819 provided inhouse and 25,932 assigned to private lawyers).**

Legal Aid NSW provides legal representation in criminal law, family law and civil law matters to people who meet eligibility tests. Our policies can found at our website: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)>For lawyers>Policy Online.

Clients can apply for a grant of legal aid through a Legal Aid office or a private lawyer, who will complete an online application, or by completing a paper application form. We operate a means test for grants of legal representation so that these services are targeted towards those who need them most. Most people granted legal aid are required to pay a contribution towards the costs of their legal representation. For more information visit this part of our website: *Get legal help>Apply for legal aid.*

## **Publications and community legal education**

**Distributed 678,103 publications and provided 2,211 community legal education sessions** (pages 53, 26).

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

Our resources are listed on our website under Factsheets and Resources and can be ordered online at *Publications>Order a publication.*

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 18,736 calls to the hotline, advising 8,259 young people about their legal rights.**

Our telephone hotline provides legal advice and information to young people under 18, and operates from 9am to midnight weekdays, with a 24-hour service from Friday 9am to Sunday midnight and also on public holidays. Many of these calls facilitate the operation of the *Young Offenders Act 1997* where, after legal advice, young people make admissions to police and are then given cautions or referred to youth justice conferences by police, rather than being charged with offences and brought before a court.



*Our lawyers attended Flood Recovery Centres to advise almost 200 people affected by flooding in Moree, Wagga Wagga and Griffith.*

## **Family dispute resolution**

**Held a record number of 2,586 conferences, reaching full or partial settlement in 79.4% of matters** (full table in Appendix 7).

We provide family dispute resolution (FDR) conferences in family law matters to facilitate the resolution of disputes at an early stage. Parties are given the opportunity to negotiate a settlement without the need to go to court. If a settlement is reached, consent orders may be drafted and filed in the Family Court or Federal Magistrates Court.

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

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

## **Specialist services**

**Established the Sexual Assault Communications Privilege Service** (page 22) **and the Commonwealth Crime Unit** (page 18).

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

- Adult Drug Court Service
- Care and Protection Legal Service
- Child Support Service
- Children's Legal Service (criminal matters)
- Client Assessment and Referral Unit
- Commonwealth Crime Unit
- Coronial Inquest Unit
- Early Intervention Unit (family law)
- Homeless Legal Outreach Program
- Mental Health Advocacy Service
- Mortgage Hardship Service
- Older Persons' Legal and Education Program
- Prisoners Legal Service
- Sexual Assault Communications Privilege Service
- Veterans' Advocacy Service
- Work and Development Order Service
- Youth Drug and Alcohol Court Service

*(Note: This service was no longer funded after 30 June 2012 once the Youth Drug and Alcohol Court closed).*

## DELIVERING COMMUNITY OUTCOMES

### Major achievements

- Introduced new programs to assist our most disadvantaged clients (pages 14, 22).
- Established two specialist units for serious criminal offences (page 18).
- Achieved record results in family dispute resolution and early intervention (page 20).
- Established the Work and Development Order Service for fines debt (page 14).
- Established early intervention programs for employment law and long-term financial hardship (pages 22, 23).
- Launched a multimedia education package for separating families (page 26).
- Improved our policies so more people can access legal aid (page 17).
- Made 46 law reform submissions (page 29).

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*The Work and Development Service – a world first, has allowed clients to work off debts from fines. Working together in Wollongong – one of four areas where Legal Aid NSW has set up the service, are Children’s Court Assistance Scheme Coordinator Sharon Callaghan (centre), Wollongong Legal Aid paralegal Emma Shean (left), and lawyer Linda Meyns. See page 14. Photo: Greg Totman for the Law Society Journal*



## DELIVERING LEGAL SERVICES

### We are using new ways to reach our most disadvantaged clients and those at greatest risk of being socially excluded.

Our mandate is to assist disadvantaged people and communities to understand and protect their legal rights through advice, advocacy, representation and education. The people we help generally have multiple layers of disadvantage, which, in many instances go back to childhood. Our challenge is to understand the nature of their disadvantage, to work collaboratively with other agencies on a holistic response and to intervene before legal problems escalate. The aim is to prevent crime or keep people out of court. Research shows that intervening early in a legal dispute can prevent problems from escalating and has significant long-term benefits for the whole community. This early intervention approach has been taken up enthusiastically by our lawyers.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

#### Fixing fines debt

As fines debt can impact significantly on people's lives, we launched a Work and Development Order (WDO) Service in four locations across the State – the Mid North Coast, Central West, West/South Western Sydney and the Illawarra. Locations were decided on the basis of comprehensive mapping of need undertaken by the Department of Attorney General and Justice using aggregated data from the State Debt Recovery Office and Australian Bureau of Statistics. The Service assists clients to clear fines debt through unpaid work, courses or treatment with an approved sponsor organisation, such as a health or youth service. In expanding the service we also aimed to increase the number of sponsors with the release of the DVD –

*Work and Development Orders: Breaking the cycle of debt, which can be viewed on YouTube.*

Established in October 2011, the service commenced full operation in January 2012. In its first six months of operation the service has exceeded expectations, producing tangible benefits for people in regional areas with unpaid fines and community organisations.

The Service conducted 441 community legal education sessions, and provided 458 legal advice and minor assistance services to clients and organisations. Aboriginal Field Officers in the WDO Service contacted more than 160 organisations.

This intense activity resulted in an increase in WDO-approved organisations. As at 30 June 2012, there were 626 organisations approved to sponsor WDOs.

To capitalise on this, Legal Aid NSW launched an intensive *Fix Your Fines* campaign throughout regional New South Wales. Evidence-based mapping of need was used to plan the days. Lawyers assisted clients to engage with the State Debt Recovery Office to apply for fine write-offs, time-to-pay arrangements and make referrals to the WDO Service.

In total, 21 Fines Days were held across New South Wales between April and June, assisting 307 clients from Broken Hill, Wilcannia, Menindee, Bourke, Brewarrina, Walget, Taree, Kempsey, Lightning



*Lawyers Katie Ho, Pia Birac and Nadia Rosenman at the Broken Hill Centre for Community where Legal Aid NSW held its first Fix your Fines free advice clinic.*

Ridge, Taree, Purfleet, Nambucca and Bowraville.

### New challenges, more clients for our criminal lawyers

National events and decisions made a significant impact on our criminal law practice in 2011–2012. These saw Legal Aid NSW establish new specialist units to better handle an increased workload following the transfer of people charged with people smuggling offences to New South Wales for prosecution, and a High Court decision – the *Muldrock* decision – on offences involving a standard non-parole period.

Our clients who have been charged with people smuggling are severely disadvantaged. They have very limited education and speak little or no English yet they face mandatory gaol terms if found guilty.

In 2011–2012, Legal Aid NSW granted aid to 17 Indonesian men charged with aggravated people smuggling. Since late 2010 when we commenced this work, we have granted aid to 112 Indonesian men. This year, over 35 matters have been listed for trial involving more than 65 defendants. Thirty defendants were acquitted and the jury was



## TO DISADVANTAGED COMMUNITIES

hung in regard to a significant number. A number of prosecutions were withdrawn after the defendants were found to be under 18 at the time of the alleged offence.

In addition to conducting these matters, the Commonwealth Crime Unit has trained private lawyers doing this work, made submissions for law reform and challenged assumptions about the accuracy of expert evidence in relation to client age.

Legal Aid NSW has developed an early response to the decision of *Muldrock v The Queen* [2011] HCA 39, 5 October 2011, which found that NSW courts had been incorrectly interpreting the law since 2004 in cases involving a standard non-parole period. The decision meant that there were people still in gaol whose sentences could be incorrect. As this sentencing error has impacts for our most marginalised clients, Legal Aid NSW acted quickly to set up a *Muldrock* Review Team to conduct a systematic review of about 1,000 cases.

The unit will operate for 12 months.

### Help for all parties to domestic violence

Domestic and family violence damages victims and perpetrators alike, often for life.

Women and children experiencing domestic violence can be supported by one of 28 Women's Domestic Violence Court Advocacy Services, for which Legal Aid NSW administers funding. The services, which assist women to obtain Apprehended Domestic Violence Orders, cover 108 Local Courts. They provided 76,665 services to 27,565 clients across New South Wales (a 3.2% increase on last year and an 86% increase since the 2009 expansion).

More details about the Women's Domestic Violence Court Advocacy Program appear later in this report (see pages 36 and 131).

Specialist private lawyers working in our Domestic Violence Practitioner Service at 32 courts across the state helped women and children experiencing domestic violence gain legal protection through an Apprehended Domestic Violence Order. Their achievements are on page 33.

As an early intervention strategy, Legal Aid NSW is trialling advice and duty assistance to defendants in Apprehended Domestic Violence Order (ADVO) matters to test whether this approach reduces future legal problems. The need for such intervention was noted in the NSW Domestic and Family Violence Action Plan, a strategy for government, non-government and community organisations to work together better to both prevent domestic and family violence and respond more effectively when it happens.

This pilot at Mt Druitt Local Court, which is still underway, involves a Legal Aid NSW lawyer providing legal advice and minor assistance to defendants to gain more workable orders and, potentially, reduce breaches. See page 18 for outcomes.

A senior lawyer position was established to coordinate a cross-practice, whole-of-organisation approach to domestic and family violence. The position will ensure effective use of funding for domestic violence matters, build best practice across the organisation in the provision of services to victims and defendants, review Legal Aid NSW policies and guidelines, and provide professional support and expertise to lawyers.

Legal Aid NSW is leading other public sector agencies by providing domestic violence and family law training for all legal and non-legal staff, developed with the Education Centre Against Violence. It is our aim that our staff complete this workshop over the next two years.

### Bridging the distance

Legal Aid NSW understands that, even in the digital age, distance affects access to justice for people living in regional, rural and remote New South Wales. While we cannot feasibly maintain Legal Aid offices in some of these areas, we can still reach out to people in other ways.

One of our innovative initiatives is the Regional Outreach Clinic Program (ROCP), which funds private and Community Legal Centre lawyers to deliver clinics in 14 locations without Legal Aid NSW services. These locations were chosen on the basis of their socio-economic disadvantage and relative lack of access to public legal services.

In 2011–2012, 674 advice services were provided through 127 clinics in the 14 locations.

The regionally-based Cooperative Legal Service Delivery (CLSD) Program aims to improve access to legal services in regional New South Wales. It does this by building cooperative partnerships of public legal sector, pro bono, community and human service providers who assist disadvantaged client groups in their regions.

In 2011–2012, the Program expanded to two more regions on the Mid North Coast, taking the total number of CLSD partnerships to 11.

More information about these regional programs appears on pages 38–40.



Aboriginal Field Officer Harmoni Dennis uses web conferencing technology to connect a client in far Western NSW with their Legal Aid NSW lawyer based in Central Sydney.

Aboriginal Field Officer Pilot Project, which will be evaluated in 2013.

These officers are playing a key part in a web conferencing trial, run with the Aboriginal Legal Service NSW/ACT to make it easier for Aboriginal people to obtain civil and family law advice and minor assistance. Page 43 has details.

### Year ahead

Increase the number of advice and minor assistance services in civil and family law to Aboriginal people in regional and rural areas by up to 10%.

Evaluate our domestic violence programs and increase training for lawyers.

Trial web conferencing with Aboriginal Field Officers to evaluate its effectiveness in assisting hard-to-reach communities.

Assist more people in long-term financial hardship to reduce their debts.

Complete the review of the sentences of all eligible serving prisoners whose sentences involved a standard non-parole period.

Coordinate our regional and outreach services so that clients have more regular access to legal services.

### Key challenge

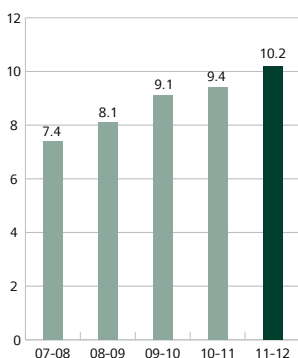
Finding new ways to reach our most disadvantaged clients and those at greatest risk of being socially excluded. Our lawyers will employ early intervention strategies, working in partnership with private lawyers and government and community agencies to prevent people's problems

THE PERCENTAGE OF SERVICES DELIVERED TO ABORIGINAL CLIENTS INCREASED FROM 7.4% TO 10.2% OVER FIVE YEARS.

## Aboriginal communities

Aboriginal people, especially those living in regional, rural and remote areas, have particular needs that demand a flexible and culturally appropriate response. The regional programs mentioned previously made a major contribution towards meeting their needs.

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



Twenty six per cent of CLSD projects in progress or completed during 2011–2012 were targeted towards meeting the needs of Aboriginal communities in regional New South Wales, whilst 27% of the ROCP services were to Aboriginal people.

Legal Aid NSW has taken on board the recommendations regarding our services in the University of NSW report, *Civil and Family Law Needs of Aboriginal people in New South Wales*. Among these was the appointment of Aboriginal Field Officers.

In 2011–2012, we appointed Aboriginal Field Officers to new positions in Walgett and Coffs Harbour. They are located in Aboriginal Legal Service offices with funding provided by Legal Aid NSW. The positions are designed to help local Aboriginal people experiencing problems with debt, fines, violence and family law matters, some of the legal issues identified in the above report.

Together with a colleague appointed at our Campbelltown office the previous year, this completes the

## EXPANDING OUR POLICIES

**To ensure our services reach the people most in need, Legal Aid NSW applies policies for granting and administering grants of legal aid.**

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

In 2011–2012, Legal Aid NSW expanded six policies in the areas of criminal, civil and family law, making legal aid even more accessible to those most in need of legal assistance and protecting fundamental human rights.

Criminal law policies relating to continuing detention orders and extended supervision orders were amended. Legal aid is now available to people wishing to vary or revoke an order made under s22 of the *Crimes (Serious Sex Offenders) Act 2006* where they may be held in prison or supervised in the community for up to five years after the sentence had expired.

Amendments were also made to family law policy to make legal aid available for contravention matters. We also removed the merit test for care and protection proceedings in the Children's Court where the legal aid applicant has parental

responsibility for a child or young person or has had an aspect of parental responsibility removed by a court order.

Amendments to the civil law policies made legal aid available for:

- sexual assault communications privilege. The aim is to provide legal assistance to sexual assault complainants opposing the disclosure of protected confidences made in counselling sessions;
- electro-convulsive therapy (ECT) administration inquiries before the Mental Health Review Tribunal. This policy protects the fundamental rights of people who have not had an initial inquiry and who may be subjected to ECT treatment against their wishes;
- employment related matters under the *Fair Work Act 2009* (Cth) for applicants who are at special disadvantage; and
- migration matters regarding visa cancellation. Legal aid is available for representation at the Administrative Appeals Tribunal to applicants who have had their visas cancelled on character grounds, where it raises a significant human rights issue.

WE EXPANDED OUR POLICIES SO MORE PEOPLE CAN ACCESS LEGAL AID.

Further information on these policies can be found at *For Lawyers > Policy Online* at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

We completed an extensive survey of social exclusion factors experienced by legal aid clients. Data is now being analysed to inform policy development.

#### Year ahead

Improve our means test and contributions policy to enhance our capacity to deliver quality legal services to those at greatest risk of social exclusion.

#### Key challenge

Ensuring our policies target those most in need while meeting budget savings targets.

## FOCUS ON CLIENTS

### MEASURING CLIENT SATISFACTION

#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

Legal Aid NSW undertakes a biennial Client Satisfaction Survey to measure satisfaction with advice and minor assistance services across the criminal, family and civil law practices. While the 2011 survey revealed a pleasing 89.5% satisfaction level, there were a number of recommendations for improvement in the report. We reviewed the recommendations and developed an implementation plan in response. Actions taken under the plan include staff training initiatives, work with partners to ensure seamless service, and client awareness raising. The Executive Committee is monitoring implementation. We will conduct another survey in 2012–2013.

### INCREASED FOCUS ON CUSTOMER SERVICE

#### PRIORITY: ACCESS TO JUSTICE

The Grants Assist pilot began in January 2012 at the Central Sydney office. Grants staff helped 18 clients to complete applications for legal aid after they had received advice from a family lawyer, spending up to an hour with each. To support the pilot, Grants staff developed fact sheets and FAQs on how to apply for legal aid, which LawAccess NSW trialled with good results. The pilot will be evaluated in 2012–2013.

## HIGHLIGHTS FROM OUR PRACTICE AREAS

### 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 operate 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 offers community legal education throughout New South Wales and contributes to law reform initiatives.

#### FACT FILE

Total staff:	318
Total expenditure:	\$120.851M
State:	\$110.991M
Commonwealth:	\$9.860M

49.4% of our overall budget was spent on criminal law services.

### Major achievements

PRIORITY: ACCESS TO JUSTICE

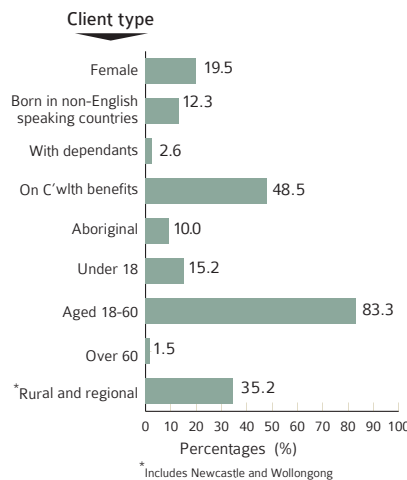
#### Commonwealth crime

The Commonwealth Crime Unit was established for the defence of people charged with Commonwealth crimes, particularly people smuggling. These are Commonwealth offences where the accused are usually detained on Christmas Island and, if charged, transferred to various States and Territories to be prosecuted.

Many of the accused are fishermen from remote parts of Indonesia. The majority are eligible for legal aid.

See pages 14–15 for more details.

CRIMINAL LAW CLIENT PROFILE  
BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



### Sentence review

The criminal law practice established the Standard Non-Parole Period Unit to review the sentences of people currently in gaol whose sentence may be affected by a 2011 High Court decision. See pages 14–15.

### Social security prosecutions

The Wollongong Legal Aid office conducted a pilot under which the criminal and civil sections cooperated to identify potential defences, matters that could be withdrawn and civil remedies

in social security prosecutions. While the number of social security prosecutions diminished significantly in 2011–2012 due to a number of factors, staff from criminal law and civil law practices continued to refer appropriate matters for alternate action to that of a criminal prosecution.

### Young people

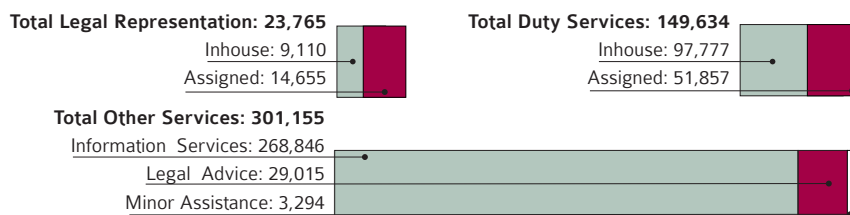
Lawyers answered 18,736 calls to the youth hotline, advising 8,259 young people about their legal rights and provided minor assistance to 3,196 of them. Legal Aid NSW advocated for law reform in the area of youth detention (see page 29) and organised workshops in schools and juvenile justice centres about crime prevention (see page 26).

### Domestic violence

In a pilot at Mt Druitt Local Court, advice and minor assistance was provided to defendants to gain more workable orders and, potentially, reduce breaches. From the beginning of the trial in November 2011 to 30 June 2012, 162 defendants received help. Legal Aid NSW is investigating a second trial site.

Over the year our lawyers also worked closely with other support services for defendants, such as The Men’s Shed, to link defendants to appropriate non-legal services for help with financial, gambling and other problems.

### TOTAL CRIMINAL LAW CLIENT SERVICES IN 2011-2012: 474,554



## CRIMINAL LAW CASES: THE PEOPLE WE HELP

### CASE 1: NEW BEGINNING FOR IRAQI REFUGEE

The Children’s Legal Service appeared for a young person charged with malicious damage to property. He had an extremely traumatic background and had been sexually assaulted. He also had other health and behavioural issues.

While his offences were relatively minor, he was refused bail and became hysterical in custody. With the help of his Children’s Legal Service lawyer, he was allowed bail and given a conditional order that did not involve a conviction. The young person has not been in trouble since.

The combined efforts of the Department of Juvenile Justice, Children’s Legal Service and Ageing, Disability and Home Care, which devised a support plan, achieved an excellent outcome and genuine improvement in this young man’s life.

### CASE 2: HIGH COURT SETS ASIDE INCONSISTENT SENTENCES

A case ending in the High Court began with two men being found guilty of cultivating a large commercial quantity of cannabis, and a third man guilty of knowingly taking part in the supply of a commercial quantity of cannabis leaf. The last received a lesser sentence than the other two, who had pleaded guilty. The Crown appealed the adequacy of the sentences received by the two men. On appeal, the Court of Criminal Appeal found the sentences inadequate and increased them.

On appeal to the High Court, special leave to appeal was granted on the ground that the Court of Criminal Appeal’s decision created a disparity between the new sentences imposed on appeal and the sentence imposed on the third man, which was not subject to Crown appeal.

The High Court allowed the appeal and set aside the higher sentences. In effect it disapproved of the Court of Criminal Appeal creating a greater disparity in sentences in the course of dealing with the Crown appeal.

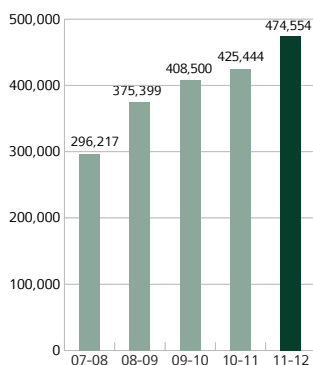
### CASE 3: CHARGES DISMISSED AGAINST THREATENED MAN

Our client was a 20-year-old man of Pakistani background. His family fled from Iraq to Syria and later came to Australia as refugees. He was charged with credit card fraud. He had no previous criminal record.

In his defence he told the Court that he had been recruited to commit the fraud by a man who had threatened both him and his family and produced a gun. His co-accused supported the claim. Our client feared for his safety because, when he was 15, he had been kidnapped, interrogated and tortured by another religious sect.

There was other independent evidence to support the allegation of a person recruiting and threatening young people in the area of his arrest. The charges were dismissed on the basis of duress. The Court accepted that our client genuinely believed that the threats would be carried out and that a reasonable person of the same age and sex would have been unable to resist them.

**TOTAL CRIMINAL LAW CLIENT SERVICES 5 YEAR TREND**



### PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Responding to changing laws and amendments

The NSW Law Reform Commission undertook a comprehensive review of the bail and sentencing laws. Legal Aid NSW submitted a report on bail to the NSW Government (see page 29) for consideration and is consulting on the sentencing review.

### Year ahead

Complete the review of sentences of all eligible serving prisoners whose sentences involved a standard non-parole period.

Respond to the proposed legislative reform to the right to silence and implement any practical changes required.

Evaluate the domestic violence pilot at Mt Druitt and commence a similar pilot at a second site.

### Key challenge

Maintaining quality legal services which meet client needs in a changing legal environment, and in tight economic circumstances.

## HIGHLIGHTS FROM OUR PRACTICE AREAS cont

### Family law

The family law practice provides legal advice, information, minor assistance, duty services and case representation in Commonwealth family law matters, including child support matters, and in State care and protection matters at locations across the state.

In addition, early intervention and family dispute resolution services are provided.

The practice also undertakes law reform and community legal education.

#### FACT FILE

Total staff:	226
Total expenditure:	\$64.237M
State:	\$17.884M
Commonwealth:	\$46.353M
26.3% of our overall budget was spent on family law services.	

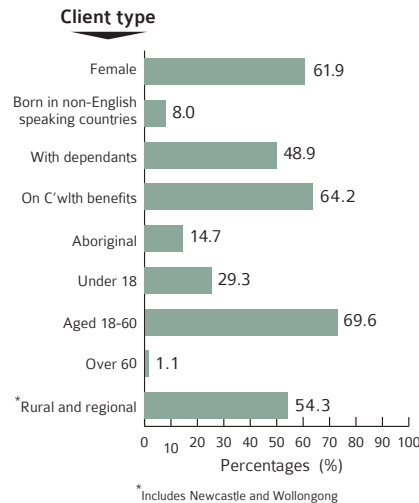
### Major achievements

PRIORITY: ACCESS TO JUSTICE

#### Clinics drive impressive growth

Minor assistance services for clients increased by 78% this year. The result was due to expansion of minor assistance clinics by the family law practice to improve services to people not entitled to legal aid but needing advocacy assistance.

FAMILY LAW CLIENT PROFILE  
BASED ON TOTAL CASES AND INHOUSE DUTY SERVICES



### Early intervention

The Early Intervention Unit helped people deal with their legal problems before they became more serious, resulting in an increase in duty lawyer services delivered at Parramatta, Sydney, Newcastle and Dubbo family court registries to self-represented litigants. Outreach services were provided at 25 locations across New South Wales, including Parkes, Forbes, Cowra, Bowral, Mittagong, Goulburn, Cessnock, Grafton, Moss Vale, Kiama, Queanbeyan, Singleton and Wyong.

Information and education play an important role in early intervention. We reached out to clients through social media and offered information and resources on family law in Australia through an interactive website ([www.bestforkids.org.au](http://www.bestforkids.org.au)).

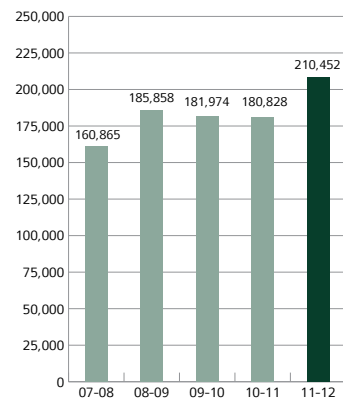
The site had 21,796 page views in 2011–2012. See also page 26.

### Family dispute resolution

This year the Family Dispute Resolution Service conducted a record 2,586 conferences (mediations), reaching full or partial settlement in over 79.4% of matters (full table in Appendix 7). The conferences aim to facilitate early dispute resolution. Also increasing (by 16%) were grants for litigation intervention conferences – lawyer assisted mediation processes for matters in the late stages of litigation.

In 2011 the service began a court ordered mediation pilot at the Family Court Registry in Parramatta. Legal Aid NSW conducted 129 matters under this pilot of which 44% reached full agreement and 38% interim agreement. As a result, the Court saved around 110 days of hearing time.

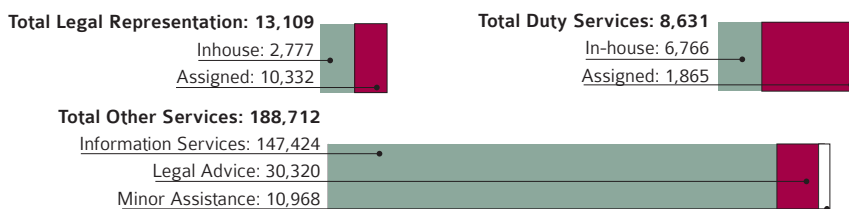
TOTAL FAMILY LAW CLIENT SERVICES 5 YEAR TREND



The service conducted over 85 mediations in matters referred from Bidura Children's Court. The mediations involved family members, legal representatives for children and the Department of Family and Community Services.

Having received a tick in the Australian Institute of Criminology evaluation, the dispute resolution service for care and protection matters has continued beyond the pilot timeframe.

#### TOTAL FAMILY LAW CLIENT SERVICES IN 2011-2012: 210,452



**PRIORITY: EXCELLENCE IN LEGAL SERVICES**

**Responding to changing laws and amendments**

Legal Aid NSW contributed to legislation and policy in the care jurisdiction, including through participation in the Children's Court Advisory Committee and the Children's Court Working Group. We gave our comments on a number of Practice Notes, which govern practice and procedure in the Children's Court, including those on case management and the Children's Court Clinic.

The family violence amendments to the *Family Law Act 1975* (Cth) commenced in June 2012. Legal Aid NSW had earlier made submissions on the reforms. The new definition of family violence categorises a broader range of behaviours as constituting family violence and recognises its

**WE CONDUCTED A RECORD 2,586 FAMILY DISPUTE RESOLUTION CONFERENCES, REACHING SETTLEMENT IN OVER 79.4% OF MATTERS.**

complex and pervasive nature. The family law practice received training on the impact of these amendments and is keeping a close watch for any emerging trends or issues.

Family courts must now take account of the nature of an Apprehended Violence Order and the circumstances under which it was made when considering issues relating to family violence. Local Court Practice Note (2) may also impact on the changes and result in

greater collaboration between the family and crime practices on family violence matters.

**Year ahead**

Expand family law advice and minor assistance services to Aboriginal people in rural and regional areas. Increase the reach of family law services to clients from culturally and linguistically diverse communities.

Improve the ability of people with family law matters to resolve their matters without having to go to court.

Expand the Parramatta mediation pilot to the Sydney Family Courts Registry.

**Key challenge**

Maintaining both the quality and quantity of family law services delivered across New South Wales in times of significant economic constraint.

**FAMILY LAW CASES: THE PEOPLE WE HELP**

**CASE 1: FAMILY HERITAGE AT STAKE**

Help from Legal Aid NSW brought a father and son back together and enabled the son to connect with his Aboriginal heritage.

The father, an Aboriginal man with previous substance abuse problems and a gaol record, contacted our Coffs Harbour office when his son and former partner disappeared from the area. The father had spent regular time with the boy and wanted the relationship to continue. On her part, the boy's paternal grandmother was keen that he learn about Aboriginal culture.

Legal Aid NSW lodged a court application and the mother and boy were located in Grafton. Extensive negotiations and a Legal Aid conference with a skilled family dispute resolution practitioner followed. As a result, the boy, now aged three, spends time with his Aboriginal family each week.

**CASE 2: KIDS STAY WITH MUM**

At risk of permanently losing her three young sons, a mother asked Legal Aid NSW to represent her in care proceedings in the Children's Court. The Department of Family and Community Services had removed the

children from her care because of concerns about her mental health, drug use, past violent relationships and housing. The department argued that the boys should not be returned due to the mother's poor progress since their removal.

Following a defended hearing, the Court found that the mother had taken significant steps towards working out her problems. This meant that there was a realistic possibility that each child could be restored to her care.

If our client stays on track, she will be welcoming home her three boys.

**CASE 3: SAFE FROM A FORCED MARRIAGE**

A sixteen-year-old girl contacted our Campbelltown office anxious to prevent her parents from taking her to Lebanon for an arranged marriage. She later changed her instructions so she could travel to Lebanon for her sister's wedding, the sister being over 18 years old.

To protect the girl, orders were made under the *Marriage Act 1961* (Cth) which effectively made any marriage she contracted in Lebanon illegal in Australia. It is now likely that new legislation will be introduced as a result of the case.

## HIGHLIGHTS FROM OUR PRACTICE AREAS cont

### Civil law

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

Civil law problems, if left unsolved, can have a far-reaching impact on people's lives. The impact can range from health problems to family breakdown and contact with the criminal justice system. The civil law program focuses on areas that have the most impact on people's lives, including tenancy and housing issues, debt, social security, refugee and migration issues and other breaches of fundamental rights.

The practice also directs its services towards the people who are most disadvantaged in accessing legal services. These include people living in rural and remote areas, homeless people, the elderly, people with a mental illness or other serious health issues, Aboriginal people and people experiencing severe financial hardship.



### FACT FILE

Total staff:	187
Total expenditure:	\$31.190M
State:	\$22.181M
Commonwealth:	\$9.008M
12.7% of our overall budget was spent on civil law services.	

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

#### Privacy for victims of sexual assault

The Sexual Assault Communications Privilege Service (SACPS) at Legal Aid NSW commenced in October 2011. An Australian first, SACPS assists victims of sexual assault to keep their therapeutic records, including counselling notes, confidential. It recognises that these records are therapeutic, not investigative, and that disclosure of sensitive personal information in court can significantly further harm the victim and undermine confidence in sexual assault proceedings. Since start up SACPS has assisted, often at short notice, more than 60 complainants to assert the sexual assault communication

privilege, that is, prevent use of their counselling records in court unless in the public interest.

### Fixing fines

Legal Aid NSW established a new specialist service to give legal advice and assistance to people with fines debt.

Civil lawyers conducted a fines campaign in regional New South Wales, encouraging disadvantaged people to get on-the-spot help with their fines and other debts.

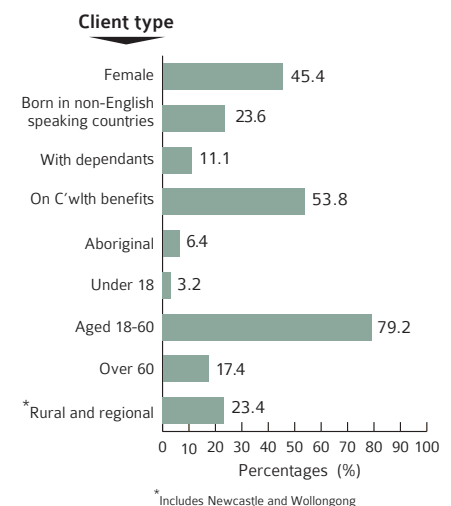
See page 14 for the excellent results achieved and early evaluation.

### Social security

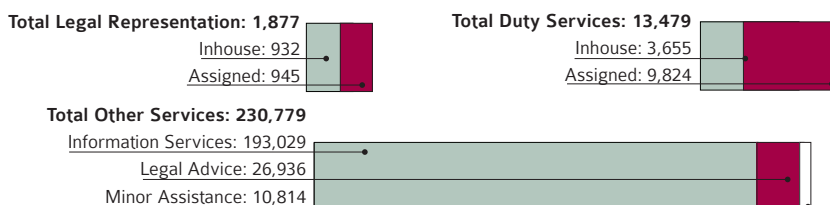
We increased our minor assistance services in social security law by 102% as part of an effort to help people resolve issues at an early stage.

This year we worked with Centrelink to improve early referral for legal advice of agency customers who owe a Centrelink debt and are being investigated for social security criminal offences. In conjunction with TAFE NSW and Centrelink, we worked on a pilot financial and legal literacy program as a pathway to divert social security debtors from the criminal justice system.

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



### TOTAL CIVIL LAW CLIENT SERVICES IN 2011-2012: 246,135





## Employment law

Lawyers in the civil law practice received special training to deliver employment law services. As a result, the number of employment law advice services increased by 40% (to 108 per month), and minor assistance increased by 94% (to 31 per month). Services focused on early intervention and assisting people, especially those at risk of long-term exclusion from the workforce, before they reach the conciliation stage at Fair Work Australia.

## Bulk Debt Project

This joint project with Victoria Legal Aid and West Heidelberg Community Legal Centre assists people on Centrelink benefits who are in long-term financial hardship and have no prospect of repaying their debts. To date, \$7.1 million of debt has been waived. The project is continuing for a further year.

We are working with the financial services industry (banks, debt collectors, credit providers) to provide a sustainable solution for people in long-term hardship with debts they cannot pay.

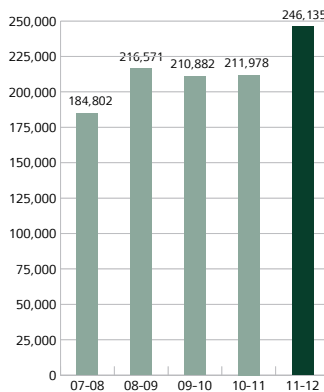
## Helping during natural disasters

Our lawyers were on the ground assisting local residents with flood insurance claims in Moree, Griffith and Wagga Wagga following heavy rains in February and March, 2012. A letter box drop in the worst affected areas in the Riverina led to a sharp increase in requests for advice at our Wagga Wagga office.

## Mental health

The Mental Health Advocacy Service (MHAS) provides legal representation for people who appear before the Mental Health Review Tribunal (MHRT) and the Guardianship Tribunal.

TOTAL CIVIL LAW CLIENT SERVICES 5 YEAR TREND



This year we introduced new policies to allow us to provide representation for patients at MHRT hearings where approval is sought by the hospital for electro-convulsive therapy to be administered to the patient.

In 2011–2012 inhouse MHAS lawyers provided over 3,200 duty services and 900 advice services.

Private lawyers provided a further 9,800 mental health duty services for Legal Aid NSW clients. Legal Aid NSW made 537 grants of aid for matters before the Guardianship Tribunal, an increase from 310 in 2010–2011.

## Inquests

The State Coroner adopted suggestions for recommendations in a range of matters conducted by the Coronial Inquest Unit. As highlighted in a case study on page 24, matters included deaths in detention.

## Other projects

The Offshore Asylum Seeker Project and Older Persons' Legal and Education Program are reported in the Section *Collaborating with our partners*.

## PRIORITY: EXCELLENCE IN LEGAL SERVICES

### Responding to changing laws and amendments

The *Mental Health Act 2007* will be reviewed in the coming year. Our Mental Health Advocacy Service has already provided preliminary advice to the Minister for Mental Health and will contribute further to this important review. The Service is also preparing for statewide introduction of the 2007 changes to the *Inebriates Act 1912*.

In an important change to social security law, tougher qualification criteria were introduced for the Disability Support Pension. We gave evidence to the Senate Community Legislative Committee on the changes.

Recent improvements to national credit laws have started to filter through to customers, with a generally safer and fairer lending environment. We are also noticing consumers taking advantage of their financial hardship rights by lodging more applications with their lender or external dispute resolution schemes. For our clients this means more suitable lending practices in the market place and improved access to justice.

Following the significant natural disasters of 2011, the first tranche of improvements have been made to the insurance market, including a common definition of flood and enhanced obligations in the General Insurance Code to guarantee consumers their right to make a claim on a policy (regardless of whether the insurer thinks the claim would ultimately be paid). These reforms should make a difference for people who incur loss or damage arising from natural disasters. The civil law practice will closely monitor this as part of its overall response to disaster events.

## CIVIL LAW CASES: THE PEOPLE WE HELP

### CASE 1: HOME REPOSSESSION AVOIDED

#### *Commonwealth Bank of Australia v Wales* [2012] NSW SC 407

When the bank served our client, who was in financial hardship, with a statement of claim seeking to repossess her home, she contacted the Financial Ombudsman Service (FOS) for help.

The bank contacted Ms Wales in order to resolve the dispute, and the parties made an agreement which reflected little concession to hardship. There was no reduction in the amount of payments (in fact, the repayment schedule increased) and seemingly there was no extension of the period of the contract.

The bank did not direct our client to its designated procedure for considering hardship variations, and did not even explain that there was a designated procedure.

Legal Aid NSW took the matter to the Supreme Court. The Court found the bank did not appropriately invoke the mechanism for making a hardship variation, depriving our client of her opportunity to have the hardship application determined by the FOS or the Court.

The Court set aside the default judgment entered against our client for possession of her home.

This precedent decision has implications at a national level for lenders who fail to adhere to their obligations to consider a customer's financial hardship. Also for the first time, external dispute resolution was acknowledged by the Court as a central forum for the resolution of financial hardship disputes.

### CASE 2: OVERTURNING A CENTRELINK DECISION TO RAISE DEBT

Our client lives in regional Australia. She was being investigated by Centrelink, which alleged that she was in a marriage-like relationship but claiming benefits as a single person and asked her to repay over \$156,000.

Our client had multiple serious health issues and found it very difficult to attend appointments. A legal aid lawyer travelled to her home and arranged for her to be assessed by a social worker from our Client Assessment and Referral Service. The case was difficult, complicated and challenging with hundreds of pages of evidence to consider.

The Administrative Appeals Tribunal found that she was not a member of a couple throughout the relevant period. If the tribunal had found otherwise, our client could have faced criminal proceedings and the prospect of a gaol sentence.

### CASE 3: EVIDENCE PROMPTS DETAINEE WELFARE RECOMMENDATIONS

We represented the families at inquests into the apparent suicides of three detainees at Villawood Immigration Detention Centre. All had occurred in a three-month period in late 2010 and were heard together.

In the first inquest, a Fijian man facing immediate deportation threw himself from a balcony when officers forcibly attempted to remove him from the Centre. In the second, an Iraqi man who suffered from a depressive illness hanged himself. The health service had noted his depression but had not considered his condition serious. In the third, a man facing deportation on criminal charges in the UK hanged himself. Immigration authorities had been warned that he might take his own life.

Legal Aid NSW obtained crucial expert evidence from a consultant psychiatrist and persuaded the State Coroner to make a number of broad-ranging recommendations. These included procedures for aborting removals where self-harm or suicide is threatened; better communication by service providers on detainee welfare; improved training for mental health staff; and a review of clinical governance procedures.

### Year ahead

Develop innovative ways of assisting people to resolve civil law problems, especially in relation to debt and consumer protection.

Implement a statewide community legal education program to raise awareness of civil law issues and areas covered by this practice.

Increase our services to young people.

Monitor the impact of the introduction of the impact of income management in Bankstown.

Provide legal help to older Aboriginal people in regional areas.

### Key challenge

Managing the increasing and unmet demands in civil law through partnerships with other services and innovative models of service delivery.

## HOLISTIC SERVICES

### Meeting clients' complex needs

**The social workers in our Client Assessment and Referral Service (CARS) 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. They also link clients to other services that can assist them.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

Social workers assisted 510 clients referred to the unit, mostly by the criminal law practice.

They assessed 472 clients, providing 263 psychosocial reports for use in court and making 380 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.

### Halting the 'roundabout'

There is a risk that some people are referred from service to service on the 'referral roundabout', failing to find the help they need. A strategy was developed to improve the consistency and accuracy of information and referrals across Legal Aid NSW.

Central to the strategy was establishing a network, with representatives from regional offices and Central Sydney. Other actions finalised under the strategy in 2011–2012 included:

- creating clear pathways on the new Legal Aid NSW website for people who need legal help and for lawyers and service providers;
- providing referral training for Legal Aid NSW staff with LawAccess to improve skills; and
- improving the process for legal aid applications which directs people refused aid to appropriate services.

#### PRIORITY: LINKING SERVICES

### Case managing clients with intellectual disabilities

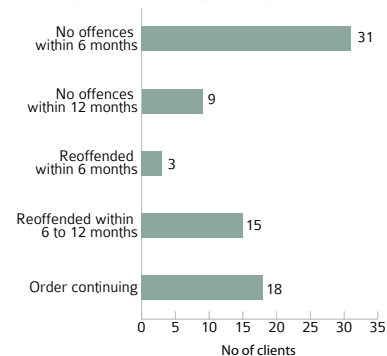
Section 32 of the *Mental Health (Forensic Provisions) Act 1990* permits people with a mental illness, intellectual disability or acquired brain injury (ABI) who are facing criminal charges to be diverted from the justice system and receive treatment. To increase the number of diversions, the Client Assessment and Referral Unit launched a pilot to assist private lawyers in the Shoalhaven in making case plans for clients with intellectual disability or ABI in s32 matters. All clients referred to date under the pilot have been granted a diversion order. There will be an evaluation in 2012–2013.

The pilot was set up under a partnership between Legal Aid NSW and the Intellectual Disability Rights Service. See page 35.

The Disability Casework Project (part of the Disability Services Improvement Project) funded for two years by the Public Purpose Fund, aims to help divert clients away from the justice system through enhanced assessment and referral services. Early results indicate diversion in 100% of matters with 88% of clients not reoffending while completing their diversion order.

The clients, young people with intellectual disability or ABI, are among the most disadvantaged of all Legal Aid NSW client groups, having complex social histories and multiple health and welfare needs. This high proportion of clients who received a s32 order did not pay a fine or go to gaol, but agreed to get help under a support or treatment plan (see graph below).

#### RESULTS FROM THE DISABILITY CASEWORK PROJECT: RECIDIVISM RATES



#### Year ahead

Evaluate the Shoalhaven pilot project for private lawyers.

Evaluate the Disability Casework Project.

Evaluate the Information and Referral Strategy.

#### Key challenge

Developing consistent, high-quality referral practices across Legal Aid NSW, supported by the new referral network.

#### CASE: HOLISTIC SUPPORT CHANGES A YOUNG LIFE

Following an argument with his mother, a 15-year-old boy was charged with assault and multiple property damage offences. He was taken to Westmead Children's Hospital where he was diagnosed with bipolar disorder and prescribed anti-psychotic medication, but did not comply with taking it.

Psychosocial assessment by a legal aid social worker found the boy had endured a traumatic and abusive childhood and spent the past 10 years living in different foster care homes. Reunion with his mother after running away from a foster care placement proved disastrous given his early family history and mental health condition.

With social work help, the boy was able to address a range of problems. He moved in with his aunt, received psychological counselling, took medication and attended an anger management course.

## COMMUNITY LEGAL EDUCATION

**Community legal education (CLE) equips people with the awareness, knowledge and skills needed to successfully resolve law-related problems encountered in everyday life. Legal Aid NSW has a strong history of providing community legal education as part of its core services to the public.**

CLE sets out to help people anticipate and avoid legal problems, act more quickly when problems do occur and deal with legal issues more effectively, including knowing when and where to get support and expert help. CLE covers a wide range of activities aimed at increasing legal capability. CLE can be delivered as a workshop in a school, a legal theatre performance, a web-based resource or a step-by-step guide or brochure.

The strategic plan which guided our work in 2011–2012 is based on the Legal Aid NSW Plan priorities and the actions are linked to the Operational Plan.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

The CLE program provides innovative programs for priority client groups and structured programs for community sector workers who work with socially and economically disadvantaged people. Early access to legal assistance through information and community legal education is an important strategy and this year our creative multimedia education strategy helped us to reach a wider audience.

#### Highlights included:

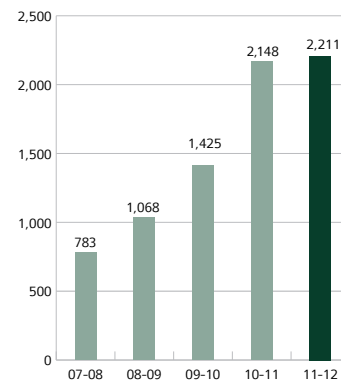
- Setting up the *Best for Kids* website ([www.bestforkids.org.au](http://www.bestforkids.org.au)) for families going through separation. The site features videos, interactive guides and links to legal and non-legal services with captioning in Arabic, Chinese and Vietnamese and closed captioning for hearing impaired people. *Best for Kids* has

dedicated social media channels on YouTube, Facebook and Twitter.

- Producing *What's the law?*, an education kit for English language teachers to use with newly arrived migrants and refugees. It includes a DVD with 10 photo stories about common legal problems, teachers' notes, student activity sheets and certificates of attendance. *What's the law?* also has a dedicated YouTube channel.
- Publishing an information kit for people in gaol who face the prospect of visa cancellation on character grounds.
- Developing a DVD called *Law for Everyday Life* to help community workers identify civil law problems.
- Presenting 28 workshops for young people in schools, youth centres and juvenile justice centres to warn them of the dangers of criminal behaviour in groups. A total of 3,897 young people attended along with 300 juvenile justice and youth workers.
- Releasing a new brochure in English and Arabic outlining the revised qualification criteria for the Disability Support Pension, with tips for doctors on how to assist their patients with pension claims.
- Increasing CLE to Aboriginal people across the State by 18%.
- Producing a brochure for Aboriginal people called *Who gets my stuff after I die?* which was used to complement wills clinics for Aboriginal people.

WE WERE ABLE TO REACH A MUCH WIDER AUDIENCE THROUGH CREATIVE MULTIMEDIA PROJECTS.

TOTAL COMMUNITY LEGAL EDUCATION SESSIONS  
5 YEAR TREND



#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

The Legal Aid NSW Plan for 2011–2012 identified two areas of focus for quality legal education services: staff training and project evaluation.

#### Highlights included:

To better equip Legal Aid NSW staff involved in developing and delivering our CLE program, we delivered four professional development sessions to 61 people. Training concentrated on facilitation skills and service evaluation.

We developed an evaluation framework and collected data in order to evaluate three CLE projects in 2012: the *Law for Community Sector Workers* program, the *What's the law?* train-the-trainer workshop and *Best for Kids* website.

#### PRIORITY: SUPPORTING OUR PEOPLE

We commenced developing a new CLE management system that will achieve better reporting and assist in planning targeted education programs.

#### PRIORITY: LINKING SERVICES

Many of our CLE projects were developed and delivered through strategic partnerships with other legal and non-legal services.

#### Highlights included:

- Developing *What's the law?* education kits with National Legal Aid in partnership the Department of Immigration and Citizenship. Kits are used by adult migrant education English teachers, English home tutors and settlement service workers.
- Delivering a number of innovative projects in partnership with Community Legal Centres including: *To Tweet or Not to Tweet?* with the National Children's and Youth Law Centre; and the Migrant Women Workplace project with Kingsford Legal Centre and Asian Women at Work Inc.

#### Year ahead

Encourage professional development of staff so as to improve the quality of CLE.

Implement a new web-based community legal education management system, including instruction and support for staff.

Develop a new web-based resource for young people and parents about the risks of cyberbullying and sexting.

Develop an annual whole-of-organisation strategic plan for community legal education.

#### Key challenge

Ensuring the community legal education program is as effective as possible through a structured approach and strategic direction.

## CLIENT DIVERSITY

**Legal Aid NSW is committed to providing responsive, appropriate services to diverse people and communities in New South Wales.**

A new Equity and Diversity Committee was established and the Multicultural Action Plan and Disability Action Plan for 2012–2013 finalised.

#### FACT FILE

**Percentage of case and inhouse duty clients born in non-English speaking countries** 13%

**Amount spent on interpreters** \$1,198,950

**Brochures translated into 13 languages**

#### Multicultural Action Plan

A summary of key performance highlights from the Multicultural Action Plan appears in Appendix 10.

#### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

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 on these services for the year was \$1,198,950, an increase of 22% from the previous year (\$983,899). Legal Aid NSW also contributed to the cost of interpreters in community legal centres, by way of \$49,206.

Three new brochures were published in up to 13 community languages. We also delivered community legal education sessions on a range of topics to culturally diverse communities and recently arrived migrants.

The new Legal Aid NSW website was updated to include general information about our services in 32 languages, with both written and audio versions. We also produced the *Welcome to Legal Aid DVD* in 14 languages for emerging communities.

*At a red carpet launch, family lawyer Hai-Van Nguyen is interviewed about her role in the new Best for Kids DVD.*



## PRIORITY: EXCELLENCE IN LEGAL SERVICES

Our Commonwealth Crime Unit, established in 2011, provided expert legal services to Indonesian people charged with people smuggling offences. Despite the difficulties of managing multiple, high profile legal proceedings, the Unit demonstrated extraordinary skill and commitment in overcoming cultural, religious and linguistic barriers to work successfully with these vulnerable clients. See page 14.

## PRIORITY: SUPPORTING OUR PEOPLE

We developed culturally appropriate guidelines and training to assist staff implementing new requirements for witnessing statutory declarations and affidavits. Amendments to the *Oaths Act 1900* (NSW), effective 30 April 2012, create the potential for a witness to ask a declarant/deponent to remove their facial covering in order to confirm identity.

## PRIORITY: LINKING SERVICES

A train-the-trainer program, *What's the Law?*, was delivered to community workers to build their capacity to assist newly arrived migrants and refugees with information about the Australian legal system. Topics include driving, car accidents, buying a car, interacting with police, renting a home, dealing with Centrelink, child protection, family law and family violence.

## Disability Action Plan

A summary of key performance highlights from the Disability Action Plan appears in Appendix 10.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

We provided information in a range of accessible formats, including Braille, large print and audio. Our new Legal Aid NSW website, launched in 2011, was developed with a strong focus on accessibility. We also maintained this approach when producing innovative material, such as the *Best for Kids* multimedia resource, which included closed captioning for deaf and hearing impaired viewers.

#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

Through a partnership with the Intellectual Disability Rights Service, the *Step by Step Guide to Making a Section 32 Application for a Person with Intellectual Disability* was developed to assist lawyers representing clients with a disability, particularly in the Local Courts. The guide is being rolled out through a training program in a range of New South Wales locations.

The Mental Health Advocacy Service conducted a training day covering current and emerging issues in representing people with mental illness.

#### PRIORITY: SUPPORTING OUR PEOPLE

A new Health and Wellbeing Steering Committee was established to implement recommendations regarding issues adversely affecting our staff in the workplace (see page 46). We launched our new training centre in the Central Sydney office, which includes improved facilities for people with a disability.

## PRIORITY: LINKING SERVICES

The Client Assessment and Referral Service conducted a pilot to assist private lawyers in making case plans in s32 matters for clients with intellectual disability or acquired brain injury in the Shoalhaven area (see page 25).

### Year ahead

Identify and address barriers to legal help for people from culturally diverse communities by developing practical resources for staff assisting these communities.

Through a new partnership with Settlement Services International, deliver family and civil law outreach and advice services to people from newly arrived migrant communities and culturally diverse backgrounds.

Develop a plan for diversity that includes multicultural and disability action plans that meet the Principles of Multiculturalism and Guidelines for Disability Action Planning by NSW Government agencies.

### Key challenge

Gaining a better understanding of clients who have special needs, particularly those from new and emerging migrant communities and people with a disability, and identifying opportunities to improve our services for those clients. Research, consultation and surveys will be used to help achieve our goals.

## ADVOCATING FOR REFORM

### One of the corporate priorities of Legal Aid NSW is improving access to justice through reforms to the legal system.

Legal Aid NSW is regularly invited to contribute our expertise grounded in legal practice, to the development of legal and public policy.

Law reform submissions provide an opportunity to comment on how changes to the law or government policies may impact on our clients. They improve the community's confidence in the justice system by making sure the perspectives of our clients are included in decisions about changing laws. The day-to-day interaction of legal and non-legal staff with clients builds a unique perspective on the likely impact of law or policy reforms on our clients.

In 2011–2012, the Legal Policy Branch coordinated 46 submissions on law reform references, proposed legislation and reviews of legislation. See Appendix 8 for details.

In addition, Legal Aid NSW staff participated in a number of New South Wales and Commonwealth Government inter-agency policy and law reform committees.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

#### Young people

One of our focus areas under this priority is advocating for reform where the legal system impacts significantly on the lives of disadvantaged people, particularly young people in detention.

In the last 12 months, Legal Aid NSW made several submissions regarding issues impacting on children and young people.

Two were in relation to children detained and charged with people smuggling. Our submission on the Crimes Amendment (Fairness to Minors) Bill (Cth) 2011 recommended that there be a statutory obligation

on the Department of Immigration and Citizenship to provide all people held in immigration detention for criminal investigation with immediate access to a lawyer.

Our submission to the Australian Human Rights Commission Inquiry into the treatment of individuals suspected of people smuggling offences who say they are children called for urgent reform to abolish wrist x-rays for age determination. We also argued for legislation to clarify that in age determination hearings a person is assumed to be under 18 if they so claim, unless the prosecution proves otherwise beyond reasonable doubt.

WE MADE 46 SUBMISSIONS, ADVOCATING FOR REFORM WHERE THE LEGAL SYSTEM CAN AFFECT THE LIVES OF DISADVANTAGED PEOPLE.

In response to the Statutory Review of the Children and Young Persons (Care and Protection) Regulation 2000 (NSW), Legal Aid NSW submitted it should be mandatory to provide a child or young person aged 12 years or above with independent legal advice when an order for sole parental responsibility is considered by the Children's Court.

Legal Aid NSW also participated in the Department of Attorney General and Justice Advisory Committee for the Review of the *Young Offenders Act 1997* (NSW) and the *Childrens (Criminal Proceedings) Act 1987* (NSW). Our submission advocated that the approach to offending by children and young people should focus on diversion and recognise that detention is an option of last resort.

### Bail and sentencing

Two significant Legal Aid NSW submissions were in relation to references from the NSW Attorney General to the NSW Law Reform Commission. Our submission on bail noted the steady rise in the remand population in New South Wales over the last 10 years, and the imposition of onerous bail conditions on defendants that, in combination with police compliance checking practices, have increased the number of bail breaches being dealt with by the courts.

The NSW Law Reform Commission is conducting a review of the *Crimes (Sentencing Procedure) Act 1999* (NSW) through a series of Question Papers. Our submission in response to Question Papers 1 to 4 emphasised that the task of weighing up the diverse circumstances of the offence and of the offender in order to reach the most appropriate sentence is best achieved by the exercise of judicial discretion.

### General

We advocated for the rights of consumers in insurance matters, particularly in relation to natural disasters such as floods. In September 2011, we made a submission to the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into the operation of the insurance industry during disaster events.

Our submission recommended that the Australian Securities and Investments Commission investigate the claims handling processes of insurers during the 2010–2011 natural disasters, particularly the rejection and withdrawn claims rates in the Queensland floods, and monitor the insurance industry claims handling processes during disaster events.

We participated in a number of inter-agency policy and law reform committees including:

- the Legal Assistance Services Review, making recommendations on measures that could improve the delivery of legal assistance services to the New South Wales community; and
- the Licence Disqualification Working Party, which considered options for addressing the problem of long-term licence disqualification, especially its impact on rural and remote communities, including Aboriginal communities with acute needs.

## Year ahead

Work with other Government agencies to contribute to law reform and develop alternative sentencing options to divert vulnerable defendants from the criminal justice system.

## Key challenge

Using existing resources to harness our practice experience to influence changes to the law.

## COMMUNICATING EFFECTIVELY WITH OUR AUDIENCE

Launching a new website in September 2011 became the first initiative to be completed under the new Communications Strategy for Legal Aid NSW. The main objective is to ensure relevant audiences, both external and internal, know about Legal Aid NSW activities and services.

### Major achievement

#### PRIORITY: ACCESS TO JUSTICE

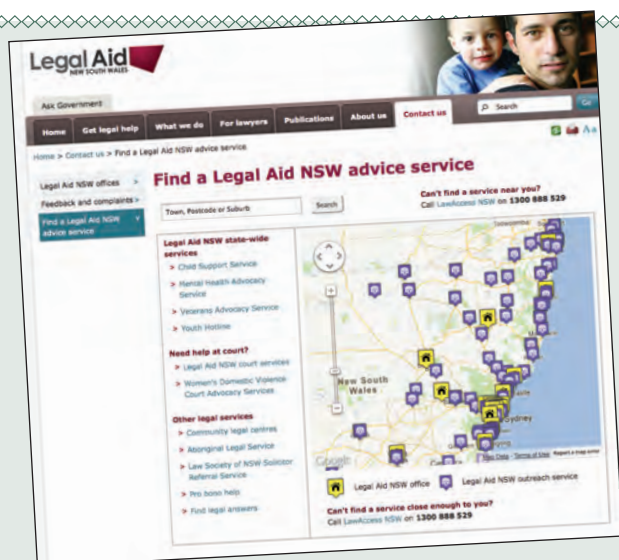
The new website provides clear pathways for members of the public who need legal help and for lawyers and service providers assisting clients with legal problems.

Features include:

- Find a Legal Aid NSW advice service using a map and postcode search, which also allows us to track gaps in services and plan accordingly;
- Search for our factsheets by language and topics such as courts, debt and families; and
- Search for private lawyers who do legal aid work by postcode, town or suburb using the panel lawyer search.

The content, all of which is in plain language, includes all policies as well as frequently asked questions about legal advice, help at court and applying for legal aid. Most fact sheets are available in HTML as well as pdf, ensuring accessibility for people using screen readers. Information about Legal Aid NSW is available in 32 languages.

The number of internet pages accessed by the community in 2011–2012 was 2,042,208. The number of visitors was 577,757.



“AS SOON AS I OPENED IT I COULD SEE FROM THE LIST OF TOPICS ON THE HOME PAGE WHERE TO GO TO FIND THE INFORMATION THAT I NEED.”

LEGAL AID NSW WEBSITE USER

## Year ahead

Survey users of the new website to make sure it is meeting their needs.

Undertake a research project to determine whether social media can improve our reach to our target audience.



## MORE EFFECTIVE WORKING RELATIONSHIPS WITH OTHER SERVICE PROVIDERS

### Major achievements

- Increased the number of lawyers on panels to 3,920 – 13% more than last year (page 33).
- Established a specialist barrister panel for complex criminal law matters (page 33).
- Reviewed community programs to ensure our funding models are effective and efficient (pages 35-37).
- Provided more services to remote Aboriginal communities, using web technology (page 43).

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*Left to right: Michelle Jones, Rachelle Johnston and Bev Lazarou from the Women's Domestic Violence Advocacy Program – "positive partnerships are the main reason that our program has been successful in helping more women". See pages 36-37.*



**Although we are the main provider of legal services in New South Wales, we also work closely with private lawyers and other agencies to ensure clients receive the most appropriate services to help resolve their particular legal needs.**

### **Private lawyers**

**Private lawyers provided 42.5% 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 (see page 33).

### **LawAccess NSW**

**LawAccess NSW referred 55,068 inquiries to Legal Aid NSW offices.**

LawAccess NSW is a free service that assists customers over the phone to manage their legal problems. It provides them with legal information, managed referrals and, in some instances, legal advice. LawAccess is available to anybody in New South Wales. It is administered by the Department of Attorney General and Justice, and partly funded by Legal Aid NSW. The main areas people sought help with in 2011–2012 were family law parenting arrangements, debt, property settlement, wills, car accidents, neighbours and employment law.

### **National Legal Aid (NLA)**

**Advised the Australian Government on the impact of Commonwealth laws and policies on disadvantaged people around Australia.**

NLA is comprised of the directors of the eight independent legal aid commissions in each of the Australian States and Territories (see page 42).

## KEY PARTNERS AT A GLANCE

### **NSW Legal Assistance Forum (NLA Forum)**

**Worked with other public legal assistance agencies to increase the recruitment and retention of lawyers in rural, regional and remote areas of New South Wales, including the trial of delivering legal services via web-based conferencing.**

This forum brings agencies responsible for legal aid service delivery together to work as members of targeted working groups to improve legal services for disadvantaged people in New South Wales (see page 42).

### **Aboriginal Legal Service (NSW/ACT)**

**Legal Aid NSW and the Aboriginal Legal Service commenced a web conferencing trial to improve the access of remote and rural Aboriginal clients to civil and family law advice and minor assistance (see page 43).**

Legal Aid NSW and the Aboriginal Legal Service share a Statement of Commitment ensuring that both agencies work together to address the legal needs of Aboriginal people in New South Wales (see page 44). The Aboriginal Legal Service is also a member of the Legal Aid Aboriginal Justice Committee.

### **Cooperative Legal Service Delivery (CLSD) Program**

**Expanded the number of CLSD partnerships from 9 to 11 through new partnerships on the Mid North Coast.**

The Program 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 (see page 38).

### **Community Legal Centres (CLCs)**

**Evaluation of the Children's Court Assistance Scheme operated by CLCs at eight Children's Courts found the Scheme met its key objectives.**

Legal Aid NSW administers funding to 36 generalist and specialist Community Legal Centres in New South Wales. Most provide general legal assistance but some provide specialist services (see pages 35, 132).

### **Women's Domestic Violence Court Advocacy Program**

**After recently expanding to cover 108 Local Courts, the program was able to provide more client services.**

The 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 (see pages 36, 131).

# PARTNERSHIP WITH PRIVATE LAWYERS

**Legal Aid NSW works in partnership with private lawyers, who receive funding from Legal Aid NSW to represent legally aided clients in assigned matters. In 2011–2012, private lawyers provided 42.5% of our case and duty services. More details by practice area appear in Appendix 7.**

The Grants Division of Legal Aid NSW (Grants) receives, determines and manages legal aid applications from private lawyers and the Legal Aid NSW inhouse practice. Applications are submitted and managed electronically, and there is regular telephone contact with lawyers and clients.

## FACT FILE

<b>Total staff:</b>	<b>76</b>
<b>Applications for legal aid received:</b>	<b>47,443</b>
- criminal law	26,856
- family law	17,603
- civil law	2,984

<b>Appointments on 12 panels</b>	<b>3,918</b>
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**42.5% of all legally aided case and duty services were provided by private lawyers**

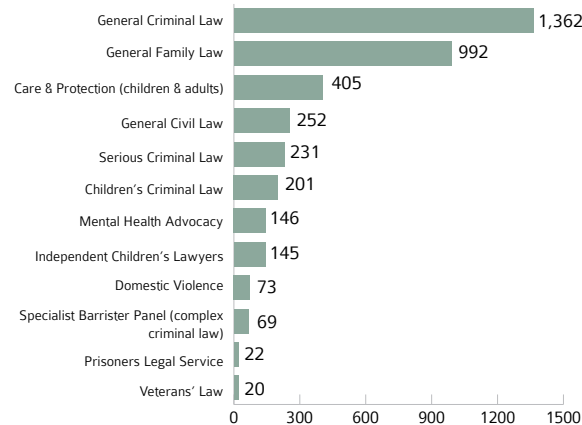
## Major achievements

### PRIORITY: ACCESS TO JUSTICE

Private lawyers provided advice services in 14 highly disadvantaged regional, rural and remote towns across New South Wales under the Regional Outreach Clinic Program (see page 40).

The Domestic Violence Practitioner Service operates at 32 Local Courts, involving 68 private lawyers, ensuring clients have effective access to legal services. This year, 4,375 clients were assisted compared with 3,863 last year, a 13% increase.

## PRIVATE LAWYER APPOINTMENTS ON PANELS 2011–2012



## Lawyer panels

Private lawyers doing legal aid work are members of panels. Panels operate in all areas of law, including general panels in criminal, family and civil law. There are specialist panels for care and protection, independent children's lawyers, serious criminal law, children's criminal law, prisoners legal service, mental health advocacy, veterans' law and domestic violence matters and for barristers briefed in complex criminal matters.

## Major achievements

### PRIORITY: ACCESS TO JUSTICE

We made 458 more appointments to our panels, bringing the total number of appointments on all panels to 3,918, which is 13% more than last year. We have panel lawyers practising in the Sydney metropolitan area and throughout regional New South Wales, which ensures that Legal Aid NSW is able to deliver legal aid services to clients appearing at courts throughout the state.

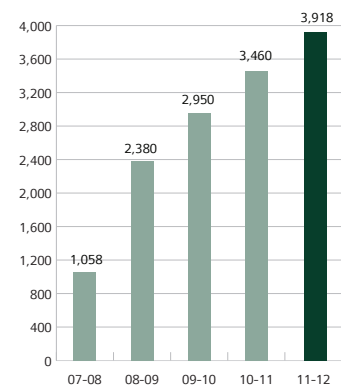
The Specialist Barrister Panel for Complex Criminal Law Matters began operating in October 2011. The 69 barristers appointed to the panel are eligible to be briefed in legally

aided complex criminal matters in the District and Supreme Courts.

A new Grants Online application form and new grants processes were introduced in conjunction with the establishment of the barrister panel. The operation of the panel will be reviewed after 12 months, as agreed with the NSW Bar Association.

A second Specialist Barrister Panel for Criminal Appellate Matters opened for applications in April 2012. It will become operational during 2012–2013. Barristers appointed to this panel will be eligible to be briefed in legally aided criminal appellate matters in the Court of Criminal Appeal and the High Court.

## LAWYER APPOINTMENTS ON PANELS 5 YEAR TREND



### Panel documentation

With the renewal of panel memberships due on five panels, we revised the panel service agreement, practice standards and information for panel applicants. The documents now provide better information about requirements for both new and renewing applicants when seeking appointment and once appointed to a panel.

We improved the information about panels and audit on the new Legal Aid NSW website. Information about the panels process is available in the *For Lawyers* section of the website, including how to apply for appointment, specialist barrister panels, audit and practice standards.

### Maintaining professional standards

The audit strategy assists in monitoring panel lawyers' adherence to the Legal Aid NSW Panel Service Provision Agreements, which require compliance with our practice standards and policies and guidelines.

The General Criminal Law and General Family Law Panels were the focus for 2011–2012 audits. Approximately 160 files were audited and approximately 180 matters spot-checked. The two most common findings were a lack of financial documents being retained on behalf of the client, and insufficient records of court attendance times. We are addressing breaches of this nature through education and by providing feedback to panel lawyers at the conclusion of their audit.

### Backup duty work in metropolitan Sydney

Expressions of interest were sought from members of the General Crime panel to participate in the duty scheme in courts in metropolitan Sydney, which are serviced by the inhouse practice. Members of the scheme will be eligible to be allocated backup duty work and urgent case work at metropolitan courts. Lawyers were asked to demonstrate that they could provide a responsive service. The scheme will replace existing local 'lists' for allocation of this work and will begin in 2012–2013.

#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

### Fees increase

After a review last year, the base hourly rate for fees paid to private lawyers in Commonwealth Legal Aid matters was increased to \$140, effective from 4 April 2012.

### Monitoring service agreements

The Monitoring Committee for apparent breaches of panel service agreements made recommendations about five panel lawyers. The committee recommended that two be removed from the five panels for breach of agreements.

### Updated guidelines

We published updated *Grants Allocation Guidelines* in October 2011. The new guidelines refer specifically to online work offers to panel lawyers, clarify how a client's practitioner of choice is determined and clarify the discretion available to assign a matter to a particular panel or non-panel lawyer. The guidelines also specify the situations where it is appropriate to assign a matter to a community legal centre.

The *Elodgement Guidelines* were replaced by the updated *Terms and Conditions of use of Grants Online*, which tightened up requirements around password security and clarified record keeping requirements and responsibilities for updating firm details.

#### PRIORITY: LINKING SERVICES

The Grants Division, in partnership with the inhouse civil law practice and the Public Interest Law Clearing House, implemented a streamlined process for receipt and determination of applications from offshore asylum seekers. The process ensures that critical time limitations are not compromised and limited Legal Aid NSW funds are spent in the most efficient and cost-effective manner. One hundred and sixty-one applicants were assisted through this model in the last financial year.

#### Year ahead

Develop a training and information package for private lawyers to enhance their ability to deliver services to legal aid clients.

Review the effectiveness of the panels system, including the audit program and service agreements.

Develop a new system for panel management including new online application forms for panel applicants.

Finalise the specialist barristers' panel for criminal appellate matters.

#### Key challenge

Finding ways to improve the quality of our legal services and our relationship with the private profession in a tight financial environment.

## COMMUNITY PROGRAMS

### Community Legal Centres Funding Program

**Legal Aid NSW administers the State, Commonwealth and Public Purpose Fund (PPF) funding for 36 Community Legal Centres (CLCs) throughout NSW, including Community Legal Centres NSW (CLCNSW), the peak body representing CLCs in the State.**

CLCs provide free legal services targeted to meet the needs of disadvantaged people. More detailed information about services and locations of individual centres is on the CLCNSW website at [www.clcnsw.org.au](http://www.clcnsw.org.au).

CLCs are independent, non-profit organisations that are generally incorporated bodies managed by a board or management committee.

#### FACT FILE

People assisted through 36 centres	46,125
Referrals made to Legal Aid NSW	5,301
Referrals received from Legal Aid NSW	3,344
Advices to clients	54,069
New cases	8,140
Cases completed	8,655
Major cases completed (complex/lengthy matters)	1,166
Education programs delivered	989

#### Funding in 2011–2012

A total of \$18,916,933 was paid to CLCs through the program comprising:

- \$8,303,898 in Commonwealth Government funding (44%);
- \$5,357,088 in State Government funding (28%); and
- \$5,255,947 in Public Purpose Funding (28%).

The Commonwealth funding above includes one off payments of \$754,000 to 13 Community Legal Centres for service delivery in response to specific client needs. This was funded by the Commonwealth Attorney-General's Department.

More details about funding can be found in Appendix 6.

#### Major achievements

##### PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Reviews

In 2010–2011 Legal Aid NSW commissioned an independent review of the Aboriginal Legal Access Program (ALAP), auspiced by the Hawkesbury Nepean, Illawarra, Macarthur, Northern Rivers and Shoalcoast CLCs.

The review resulted in the program receiving three-year funding from the PPF for 2011–2014.

Three of the above-mentioned CLCs also received additional one-off Commonwealth funds (total value \$150,000) to enhance and maintain their Aboriginal support work.

Legal Aid NSW commissioned a major review of the Children's Court Assistance Scheme (CCAS) to evaluate its effectiveness. The review found that the Scheme met its objectives and that its coverage of seven of the ten highest volume courts was appropriate.

The review recommended that Legal Aid NSW seek additional funds for Aboriginal support work in Children's Courts and develop funding options based on finalised criminal matter volumes at each court, and at priority courts, for any further expansion. Legal Aid NSW will include these options in its submission to the PPF for 2012–2013.

Legal Aid NSW worked with CCAS coordinators to review program guidelines and develop new ones. These will be incorporated in the Community Legal Service Program Service Agreements.

##### PRIORITY: LINKING SERVICES

#### Intellectual disability partnership

The Intellectual Disability Service Improvement Project is a partnership between Legal Aid NSW and the Intellectual Disability Rights Service (IDRS) aimed at improving legal outcomes for people with an intellectual disability facing criminal charges in New South Wales.

Under the project, IDRS has developed a guide to assist lawyers representing clients with intellectual disability, particularly in Local Courts. It has been rolled out through a training program across New South Wales and is available on the internet.

#### Partnership funding program

The Legal Aid NSW/Community Legal Centre Partnership Program funds innovative and responsive projects conducted in partnership between Legal Aid NSW and CLCs. Legal Aid NSW makes \$100,000 available each financial year.

The successful projects in the 2011–2012 funding round were:

- **Hearing New Voices/Creating New Law** — consultation with children and young people on the need for law reform regarding social media, submitted by the National Children's and Youth Law Centre with the Children's Legal Service of Legal Aid NSW (\$33,400);
- **Have you been paid a fair day's pay?** — a guide for seeking payment for underpayment or non-payment of wages submitted by Far West CLC in partnership with the Legal Aid NSW Employment Law Service (\$25,000);

- **The s501 Project** — providing advice and representation to prisoners and former prisoners who have received notice of visa cancellation on character grounds, submitted by the Public Interest Law Clearing House (PILCH) with the Human Rights Unit of Legal Aid NSW (\$30,000); and
- **The Unfair Dismissals Project**— focuses on capacity building and provision of legal assistance for unfair dismissals, submitted by PILCH with Legal Aid NSW (\$11,600). Three CLCs are also participating in the project.

### Partnership on court support

Legal Aid NSW worked in partnership with the Community Restorative Centre’s volunteer Court Support Scheme (CSS), providing assistance with the CSS Volunteer Training Manual, and speakers for training workshops. We conducted an inhouse review of the Scheme in preparation for the 2012–2013 funding submission to the PPF.

The review found that the CSS is a very well received and efficient partner in delivery of client information and support services in courts. It also found that there is scope to expand CSS services to additional courts and for more intensive court support for people with special needs (such as people with disability, or those experiencing high levels of trauma), if additional funding were made available.

### Service enhancement

As part of our annual feedback on their performance, we surveyed stakeholders of 17 centres funded under the Commonwealth Community Legal Services Program (CLSP).

The survey sought input on the accessibility and responsiveness of service delivery, the appropriateness of referrals and the extent of cooperation with other service providers. Each centre received a summary of the results.

Overall, the process confirmed that CLCs offer a very effective service with respondents generally “satisfied” or “very satisfied” with each of the criteria. Any suggestions made by stakeholders on areas for systemic improvement were provided to individual centres. This process will continue across the program in 2012-2013.

The National Association of CLCs and Legal Aid NSW agreed to pilot a single, streamlined process for centre accreditation and service standards audits under the CLSP Service Agreement. The two organisations jointly funded a regional accreditation coordinator to manage the pilot. This process will continue across the program in 2012–2013.

#### Year ahead

Evaluate the CLC/Legal Aid NSW Partnership Funding Program, including all projects funded since its inception in 2010.

Implement the findings of the review of the Children’s Court Assistance Scheme.

Continue to implement the findings of the review of the Aboriginal Legal Assistance Program.

#### Key challenge

Ensuring the ongoing provision of Children’s Court assistance, and pursuing options for greater court support of Aboriginal young people and their families in the Children’s Court.

### Women’s Domestic Violence Court Advocacy Program

Legal Aid NSW administers NSW Government funding for 28 Women’s Domestic Violence Court Advocacy Services (WDVCASs). These assist women and children who have experienced or are experiencing domestic violence to obtain effective legal protection from Local Courts through applications for Apprehended Domestic Violence Orders. They also connect clients with other relevant services and, through partnerships, build local capacity to respond to domestic violence.

#### FACT FILE

##### Provided services at 108 Local Courts

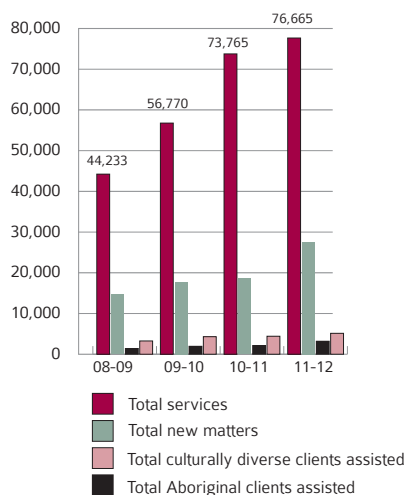
Provided 76,665 services to 27,565 clients across NSW (a 3.2% increase on last year and an 86% increase in services since expansion)

11.6% of clients were Aboriginal women

18.6% of clients were from culturally and linguistically diverse (Culturally diverse) communities

Assisted clients to obtain 10,541 separate final orders

#### INCREASE IN SERVICES AS A RESULT OF EXPANSION



THERE HAS BEEN AN 86 % INCREASE IN SERVICES SINCE THE PROGRAM EXPANDED IN JULY 2009.

### Funding in 2011–2012

In 2011–2012, \$7,218,696 was paid in grants for this program. Funding goes to incorporated, not-for-profit non-government service providers through a triennial service agreement with Legal Aid NSW. Details appear in Appendix 5.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

Last year, this program received the Premier's Award for Leading Change for its expansion project. The program team was invited to present information about the expansion project at the Institute of Public Administration Australia NSW 2011 State Conference.

#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

A review of the program's expansion from 65 to 108 Local Courts identified that Legal Aid NSW funds a 'best practice model' of service delivery and highlighted the increase in client numbers and program consolidation. Placing additional Aboriginal and culturally and linguistically diverse specialist workers in services from July 2009 has proved particularly effective. The program now funds 23 Aboriginal specialist worker positions and 13 culturally diverse specialist worker positions across 26 services. In ensuring that our services are responsive to the needs of people who have experienced family and domestic violence, we provided

training to help domestic violence workers respond appropriately to clients who are or have experienced domestic violence.

Training over the year for workers in the 28 Women's Domestic Violence Court Advocacy Services comprised three core training programs (44 attendees) and five seconded worker training sessions (72 attendees). Refresher core training, which was developed and trialled in 2011–2012, will be undertaken by all workers every three years.

#### PRIORITY: LINKING SERVICES

This program relies on collaborative working relationships with key partners in providing effective services to and gaining positive outcomes for clients. These partners are:

New South Wales Police Force, Local Courts, the legal profession and other non-government and government organisations providing services to victims of domestic violence.

A new Domestic and Family Violence Strategy for 2011–2013 commits Legal Aid NSW to a whole-of-organisation approach to responding more effectively to domestic violence. They include:

- Staff and support services receive training in domestic and family violence related legal issues, including interview techniques and awareness training.
- All services are coordinated to work together in partnership.
- People in domestic violence situations receive better advocacy and legal assistance.
- More education programs and information resources about domestic violence are developed.

### Year ahead

Monitor and evaluate the program's effectiveness.

Implement the recommendations of the expansion review.

Implement the Domestic and Family Violence Strategy, with special focus on training.

Hold the first of three annual forums to foster partnerships that help achieve the best possible outcomes for victims of domestic violence.

### Key challenge

Monitoring, training and mentoring the 28 services, taking into account their individual needs.



# REGIONAL PARTNERSHIPS

People living in regional, rural and remote areas can have difficulty accessing legal services. Legal Aid NSW played a leadership role in developing regional coalitions and outreach programs that find new ways to improve service delivery to people disadvantaged by distance.

### FACT FILE

Outreach clinics in 153 regional locations

127 ROCP clinics in 14 locations

674 advice and minor assistance services under the ROCP (21.7% to Aboriginal people)

26% of projects across 11 CLSD regions are for Aboriginal communities

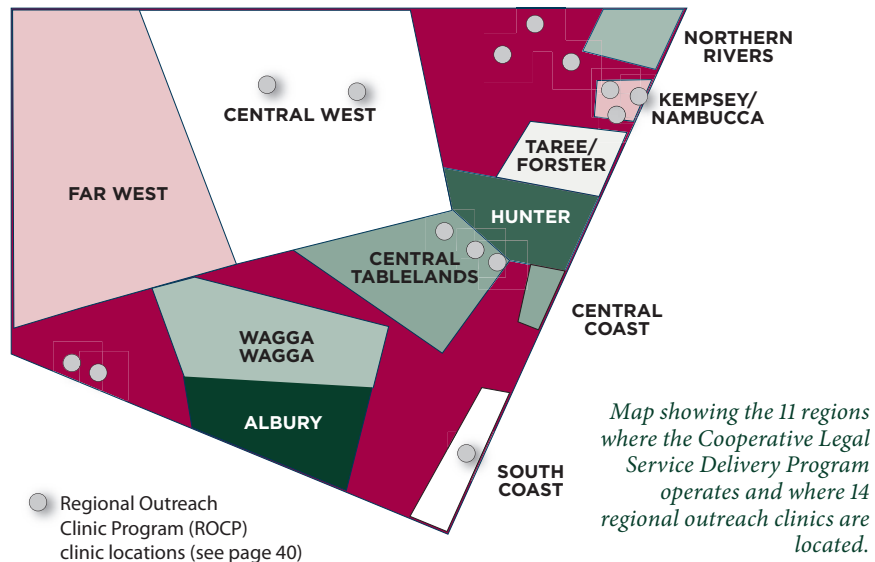
### Regional coalition

The regionally-based Cooperative Legal Service Delivery (CLSD) Program aims to improve access to legal services in regional New South Wales. It does this by building cooperative partnerships of public legal sector, pro bono and community and human service providers who assist disadvantaged client groups in their regions.

In 2011–2012, the Program expanded to a further two regions on the Mid North Coast, taking the total number of CLSD partnerships to 11.

With the support of local regional coordinators, CLSD partners worked on projects that respond to locally identified, emerging and unmet legal needs. Initiatives undertaken under their auspices typically include community legal education, workshops, training and outreach advice clinics.

### REGIONAL LEGAL SERVICE PROGRAMS



### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

#### Highlight projects included:

- A joint project with South Coast Lifeline Financial Counselling services, Legal Aid NSW Nowra and the South Coast Correctional Centre to provide legal and financial counselling to prisoners in the new Nowra Correctional Centre. A total of 166 services were provided to 106 prisoners under the project. Clients were mainly assisted with debt, bankruptcy, immigration and tenancy. Correctional centre staff gave the project invaluable support.
- Workshops for Aboriginal people in regional, rural and remote New South Wales and for parents and carers of people with impaired capacity on wills, powers of attorney and enduring guardianship. Ashurst lawyers (a CLSD pro bono partner) ran the workshops with other CLSD partners.

- A series of workshops were run for Shoalhaven and South Coast lawyers and community and health workers by local Aboriginal elders on how to work effectively with Aboriginal clients. The well-received workshops included demonstrating how language and cultural barriers can inhibit successful outcomes for Aboriginal clients and assisted services to develop practical strategies to break down these barriers.
- Roll out of the *Discrimination Toolkit* Workshops in Albury, Broken Hill, Menindee, Newcastle, Wagga Wagga and Wilcannia. The workshops are designed to assist Aboriginal community members to identify discrimination and seek legal remedies.

TWENTY-SIX PERCENT OF CLSD PROJECTS IN PROGRESS OR COMPLETED DURING 2011–2012 ADDRESSED THE NEEDS OF ABORIGINAL COMMUNITIES.



CLSD community members gather to mark the appointment of new CLSD Regional Coordinator, Kymberlei Goodacre (centre), for Kempsey/Nambucca CLSD at the South Kempsey Family Community Centre.



#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

The CLSD Program Unit hosted a two-day training workshop for (then) nine CLSD regional coordinators across New South Wales which gave them the opportunity to network and learn from each other. The CLSD Program Unit was able to use the workshop to consider how it could better support regional coordinators and enhance statewide collaboration in delivering legal services.

Legal Aid NSW commenced an independent evaluation of the CLSD Program as part of our commitment to continuous improvement. At the time of writing, the consultations were complete and the final report was being prepared.

#### PRIORITY: LINKING SERVICES

CLSD partnerships work to build awareness of the connection between legal and non-legal issues and link clients to the most accessible and appropriate services. The Program also supports partnerships between local community agencies and lawyers in providing outreach services in locations where there are no publicly funded legal services. Currently the Program supports weekly joint-service clinics in Taree, Lithgow and Bathurst where services are provided by Legal Aid NSW, Community Legal Centres and private lawyers (in some cases, on a pro bono basis).

#### Highlight projects included:

- A domestic violence referral forum in Lithgow. The forum facilitated cross-sector agency discussion by health, police, legal, community, youth, family and local neighbourhood services to better understand how services should work together to best meet the needs of victims of violence.
- The Northern Rivers CLSD partnership identified concerning, persistent issues regarding domestic violence in Murwillumbah. The Regional Coordinator organised a meeting in Murwillumbah so that local lawyers, domestic violence advocates, community workers and police could discuss the issues in an open forum. After full and frank discussion, the Murwillumbah Police accepted an invitation to attend the upcoming DV AVERT training with local agencies and committed to continuing engagement.

#### Working in partnership with pro bono firms

Ashurst (previously Blake Dawson Lawyers) has been involved with the CLSD Program since its inception. Active in all CLSD partnerships, especially those in the Central West and Far West NSW, Ashurst prioritises pro bono work with Aboriginal people, people in regional, rural and remote New South Wales and people with disability and their carers.

They focus on practical solutions. For example, with their wills and planning ahead work in Aboriginal communities, Ashurst will hold a workshop in conjunction with a local community agency, take instructions from clients immediately following the workshop and, where possible, draw up the relevant documents overnight for signature the following day.

#### Year ahead

Implement the approved recommendations of the independent evaluation of the CLSD Program.

Publish information for client groups prioritised in the Legal Aid NSW Plan, including:

- a resource for victims of domestic violence on spouse visas in 13 community languages;
- a pocket book for young people on Children's Court matters (working with the Children's Legal Service); and
- plain English fact sheets on care and protection for parents navigating the complex maze of the New South Wales care system.
- Work with the South Coast CLSD partnership on a legal needs analysis of the area.

#### Key challenges

Assisting the 11 CLSD partnerships to enhance their engagement with Aboriginal communities across regional New South Wales and address identified and emerging client needs.

Gaining better buy-in from regional private and publicly funded lawyers unable to participate in CLSD meetings or projects.

### Regional Outreach Clinic Program

The Regional Outreach Clinic Program (ROCP) Program aims to provide regular access to advice and minor assistance legal services to people at risk of social exclusion living in regional, rural and remote areas of New South Wales. It achieves this by funding private and community legal centre lawyers to deliver services in 14 locations where it would not be feasible for Legal Aid NSW to offer outreach services.

#### Major achievements

##### PRIORITY: ACCESS TO JUSTICE

In 2011–2012, ROCP clinics operated in Bathurst, Bega, Boggabilla, Bowraville, Brewarrina, Dareton, Lightning Ridge, Lithgow, Macksville, Moree, Nambucca Heads, Orange, Tenterfield and Wentworth.

All locations were chosen on the basis of their socio-economic disadvantage and relative lack of access to public legal services.

In 2011–2012, 674 advice and minor assistance services were provided through 127 clinics in the 14 ROCP locations (21.7% to Aboriginal people). Most clinic clients were in receipt of Centrelink benefits. Clients have been returning to the clinics for further assistance, and some eligible clients have been provided with ongoing assistance through a grant of legal aid or through a referral to a more appropriate service.

The areas of law in which assistance was most commonly sought were family law, domestic violence, debt, traffic matters, consumer issues/scams and neighbour issues.

#### Year ahead

Review the ROCP, making sure it complements our other regional and outreach services, so that clients have more regular access to legal services.

Deliver another three-day training program in the areas in which clients most commonly seek assistance.

Explore the use of telephone or audiovisual technology as a backup when bad weather threatens clinic cancellation or access.

#### Key challenge

Finding ways to make sure we reach people in remote communities who may still be slipping through the cracks. The best way to achieve this is by working closely with local agencies, building stronger referral networks and ensuring ongoing training for ROCP lawyers.

## TRAINING AND RESOURCING OUR PARTNERS

**We provide our partners with regular training and mentoring opportunities and, in turn, they bring invaluable expertise to our conferences and seminars.**

#### Major achievements

##### PRIORITY: LINKING SERVICES

We trained and resourced our partners so they are in a better position to help disadvantaged clients. Family law initiatives included:

- a challenging program for family dispute resolution practitioners, including two professional development sessions and a professional development day using web conferencing for country participants and specialist training in conciliation and Aboriginal culture; and
- a three-day national training program for independent children's lawyers delivered in partnership with the Law Council of Australia.

Private lawyers undertaking legal aid work and registered for Grants Online were given access to the Legal Aid NSW Online Learning Management System.

Four e-learning policy modules were made available to partners.

##### PRIORITY: EXCELLENCE IN LEGAL SERVICES

Using web conferencing technology, remotely based lawyers from the Aboriginal Legal Service NSW/ACT, Community Legal Centres, the Family Violence Prevention Legal Service and Legal Aid NSW could connect with each other from their desktops for the first time. See page 52.

In September 2011, Legal Aid NSW ran a two-day training program for all Regional Outreach Clinic Program providers in housing law, employment, discrimination, social security, credit and debt, fines, victims' compensation, family law, care and protection, child support

and domestic violence. As many ROCP clinics are in locations with comparatively high Aboriginal populations, providers received training from the Aboriginal Legal Service.

Providing training to staff and support workers in the area of domestic violence was a key initiative this year. Part of the role of a new domestic violence senior lawyer is to provide professional support and expertise to lawyers. Funding includes whole-of-organisation training on domestic violence delivered over the next three years.

Private lawyers can now access a greater range of online resources to help them in their partnership with Legal Aid NSW, including best practice guidelines and tipsheets (*For lawyers > Resources and tools > Domestic violence*).

The new Sexual Assault Communications Privilege Service, discussed earlier on page 22, took a strategic approach that covered all aspects of training and resourcing our partners, including:

- training 27 private lawyers (13 from regional, rural and remote New South Wales) to conduct privilege matters;
- commencing a statewide education program to promote awareness of the privilege and the new service to the legal profession, counsellors and other health professionals, medical records staff, non-government organisations and police; and
- developing referral networks, notably with the Office of the Director of Public Prosecutions and the Witness Assistance Scheme.

**PRIORITY: ACCESS TO JUSTICE**

We regularly update LawAccess NSW about new services and changes to our services. We have provided training to a range of organisations about our services including Community Legal Centres, Aboriginal Field Officers, Cooperative Legal Service Delivery partners, and parliamentary staff.

**PRIORITY: LINKING SERVICES**

We offered partner agencies 10 places on our Diploma of Management Program.

The Offshore Asylum Seeker Project, a partnership between Legal Aid NSW and the Public Interest Law Clearing House NSW, assists individuals in immigration detention throughout Australia who have been

**Communicating better about our work**

To make sure our partners are kept up-to-date about our services, policies and key developments in the law, Legal Aid NSW launched a monthly e-newsletter in May 2012. Subscribers include private lawyers, courts and tribunal staff, Community Legal Centres, community organisations, Government departments and journalists. To subscribe go to the *News* section of the Legal Aid NSW website.

**Highlight: Resource partnership benefits older people**

The Older Persons' Legal and Education Program works in partnership with the Aged-care Rights Service, a specialist community legal centre. In addition to advice and casework, the Program builds the capacity of public legal services to respond to the needs of older people. We extended the Legal Pathways Project to increase the access of disadvantaged older people in regional areas to legal services. This partnership project involves Legal Aid NSW, the Council on the Ageing (NSW) and the Law Society of NSW.

New resources were developed, including the booklet, *Speaking for Myself: planning for later life decision-making*, which was developed with the Benevolent Society, and the *Legal Topics for Older Persons Diary 2012*. Both addressed identified needs for targeted information. We published and distributed 15,000 copies of the diary.

The Cooperative Legal Service Delivery Program used its extensive regional networks to ensure these resources reached older people across the State, especially in remote areas.



*The Minister for Ageing, Andrew Constance, launched the new resource on planning ahead at Parliament House in August 2011.*

refused refugee status and have the right to judicial review. The project matches individuals with legal representatives through the creation of a clearinghouse. Several training sessions have been delivered covering current law and the future direction of judicial review in immigration matters, in order to assist barristers and lawyers interested in taking on these matters. In 2011-2012, 329 client contacts were made and 279 files were opened.

The project made 174 referrals to barristers for advice, and provided 144 advice and representation services.

**Year ahead**

Develop a training program for private lawyers that enhances their ability to deliver services to joint clients and contributes to their professional development.

**Key challenge**

Finding new and better ways to resource our partners within a tight financial environment.

**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.**

### **Collecting data on supply, demand and unmet need**

We collect and use a variety of data to help us plan and deliver our services and make sure our services are targeting the right people. Much of this data comes from research and surveys conducted in collaboration with partner agencies.

### **Major achievements**

#### **PRIORITY: EXCELLENCE IN LEGAL SERVICES**

A three-year strategic research alliance began this year between Legal Aid NSW and the Law and Justice Foundation of NSW. The alliance will build a strategic evidence base for the delivery of legal services to disadvantaged people in New South Wales. The Foundation undertakes research projects that are of mutual benefit to Legal Aid NSW and the Foundation.

In March 2012, the Foundation began an evaluation of the Duty Lawyer Scheme based in the Early Intervention Unit in the Family Law Division of Legal Aid NSW. The evaluation focuses on the duty services delivered at Parramatta and Sydney Family Court. A report will be completed by November 2012.

Researchers from the Foundation also delivered evaluation awareness training on 1 June to 30 Legal Aid NSW staff from across all practice areas.

### **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. NLA is supported by working groups and networks, each of which comprises representatives from each of the legal aid commissions.

#### **PRIORITY: LINKING SERVICES**

This year NLA met in July 2011, November 2011 and March 2012.

CEOs of Legal Aid Commissions discussed issues of national strategic significance and advised the Commonwealth Government on the impact of its laws and policies.

Major issues discussed during 2011-2012 included:

- Independent Children's Lawyers
- Impacts of Federal Court fees
- Dispute resolution
- The impact of people smuggling matters
- Unmet needs in civil law particularly in immigration and employment
- Civil and family law needs of Indigenous Australians
- Launch of the *Legal Australia-Wide Survey: Legal needs in Australia*
- Progress under the National Partnership Agreement (NPA)
- Data standardisation efforts
- Quality of legal services

NLA provides a unique opportunity for strategic engagement with the Commonwealth and other national organisations such as the Australian Institute of Family Studies.

Close engagement with the Commonwealth Government is critical over the next 12 months as the review of the NPA by Allen Consulting Group progresses and reports are finalised.

## JUSTICE FORUMS

### **NSW Legal Assistance Forum**

Legal Aid NSW continues to play a significant role in the activities of the NSW Legal Assistance Forum (NLAF).

NLAF is an interagency forum that brings together key legal service providers across government, non-government and private sectors to facilitate access to justice for socially and economically disadvantaged people.

NLAF is chaired by Bill Grant, CEO of Legal Aid NSW. Legal Aid NSW staff participate in or convene all NLAF working groups.

#### **PRIORITY: LINKING SERVICES**

Legal Aid NSW is a member of the working group on availability of lawyers in regional, rural and remote areas of New South Wales. The group developed a proposal to establish:

- a program for public legal assistance lawyers working in Far West and North Western New South Wales that involves the coordinated delivery of professional development initiatives across all public legal assistance agencies; and
- legal outreach services to remote locations using internet-based technology.

The working group on employment law mapped employment law services across New South Wales to demonstrate increasing demand and liaised with the Department of Education, Employment and Workplace Relations about the need for a funded specialist employment law service in New South Wales.

Other NLAF working groups focused on prisoners, fines and traffic law, and responding to disasters and emergencies.

Further information on their achievements is available at [www.nlaf.org.au](http://www.nlaf.org.au)

## ABORIGINAL COMMUNITY PARTNERSHIPS

### Year ahead

Work closely with the Law and Justice Foundation to provide substantive input to the Evaluation Framework being developed by the Allen Consulting Group commissioned by the Commonwealth to review legal assistance services across Australia.

Implement a program of professional development initiatives across all public legal assistance agencies in Far West and North West New South Wales – two of the most disadvantaged areas of the State in terms of recruitment and retention of lawyers.

Launch the Law and Justice Foundation National Legal Needs Survey.

### Key challenge

Maintaining strategic engagement with the Commonwealth on the National Partnership Agreement review.

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

The ALS is a key member of the Aboriginal Justice Committee chaired by the Director, Aboriginal Services.

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

Legal Aid NSW funds two Field Officer positions at the ALS offices at Walgett and Coffs Harbour. Legal Aid NSW also funds the ALS to employ three care and protection lawyers in regional New South Wales.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

#### Web conferencing trial

We commenced a web conferencing trial with the ALS in Walgett/Dubbo and Grafton to improve the access of remote and rural Aboriginal clients to civil and family law advice and minor assistance.

The blend of traditional face-to-face support with delivery of expertise via technology potentially offers the best of both worlds.

The trial involved the Aboriginal Field Officers (civil and family), appointed to implement the recommendations of the Law Faculty, University of NSW report, *Civil and Family Law Needs of Aboriginal People in New South Wales*. We partnered with the ALS to employ field officers in two high-need locations, the Far North West (Walgett) and the Mid North Coast (Coffs Harbour), in addition to a Field Officer already working at Campbelltown.

At both locations, a Field Officer supports clients in person while Legal Aid NSW civil and family lawyers take part via web conference. As the Field Officer at Walgett is at a considerable distance from the closest Legal Aid NSW office, this is an excellent opportunity to trial desktop web conferencing for providing civil and family law services to Aboriginal clients in remote locations.

*Left to right: Darrin Cruickshank, WDO Field Officer, Aboriginal Legal Service Nowra, Linda Meyns, Wollongong Legal Aid WDO lawyer and Emma Shean, Wollongong Legal Aid WDO paralegal – working closely on expanding the WDO Service in the South Coast area. Photo: South Coast Register*



## 2 Collaborating with our partners

Gerry Moore, outgoing CEO of the Aboriginal Legal Service (NSW/ACT), signs the new Statement of Commitment during NAIDOC Week in July 2011.

Family lawyers from Legal Aid NSW, together with the Greater Sydney Family Law Pathways Network, organised the conference *Our Children...Our Journey...Our Way* to work with Aboriginal people on family law issues and to improve the family law system for Aboriginal clients. It was held on the fourth anniversary of the apology to the Stolen Generation.

We also provided legal education and developed a family law workbook to improve access by Aboriginal people to our family law services.

### PRIORITY: LINKING SERVICES

The close partnership between Legal Aid NSW and the ALS in the South Coast and Central West regions maximised the reach of the Work and Development Order Service in Aboriginal communities, providing assistance with fines debt.

During NAIDOC Week in July 2011, a new Statement of Commitment was launched, outlining how our two agencies will work together for the next two years.

This year saw the implementation of the second *Aboriginal Services, Employment and Partnerships Plan 2011-2013* (following on from the 2008-2011 plan) to ensure our services meet the needs of Aboriginal people. Many of the goals and outcomes in the plan are achieved through community partnership.



In addition, a working group began to develop a *Reconciliation Action Plan* in May 2012 to ensure we are contributing to the principles of reconciliation, and strengthening our relationship with Aboriginal organisations and communities around the State.

The plan will have clear actions with measurable targets, developed in consultation with Aboriginal and Torres Strait Islander communities.

The community legal education program called *Civil law – what's that?* was developed for Aboriginal justice workers to help prevent civil and family law issues from potentially becoming criminal law matters. During 2011-2012, 75 Aboriginal workers from the ALS, the NSW Department of Attorney General and Justice and Community Legal Centres were trained to identify civil law issues, and to make supported referrals for their clients. Legal Aid NSW staff visited 18 ALS offices to conduct this training.

### Year ahead

Introduce more clients to the web conferencing trial and monitor their experiences with the technology by trialling a 'virtual clinic' in a remote community once a month.

Evaluate the web conferencing trial at the start of 2013.

Begin implementing the *Reconciliation Action Plan*.

Implement a training program – *Practical skills for private lawyers working with Aboriginal clients* – by June 2013.

### Key challenge

Ensuring that we meet the targets and goals set in the *Aboriginal Services, Employment and Partnership Plan 2011-2013*, at the end of its cycle in June 2013.

## MANAGING OUR WORKFORCE, ORGANISATIONAL CAPABILITY AND INFORMATION TECHNOLOGY

### Major achievements

- Established a new Health and Wellbeing Steering Committee (page 46).
- CEO approved a new Health and Wellbeing Program (page 46).
- Outperformed the NSW Government benchmark of 2.6% for employing Aboriginal staff (page 47).
- Online learners grew by 1,378 (nearly 70% are not employed by Legal Aid NSW) (page 48).
- Opened a new learning centre (page 48).
- Introduced more efficient services based on recommendations from reviews (page 50).
- Established a Business Intelligence Taskforce (page 52).
- Commenced a pilot of desktop web conferencing (page 52).
- Introduced a number of systems improvements (pages 51-52).
- Improved our environmental management (page 54).

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*At a conference in June 2012, office managers shared information with staff from other areas of Legal Aid NSW. Our office managers are critical to providing high quality legal services. They attend two conferences a year where they learn about new developments and resources to help them successfully manage a busy office. See page 48.*



## OUR PEOPLE

**We value our people and understand that to support them we need to promote their health and wellbeing and provide professional development and career opportunities.**

Legal Aid NSW is responding to identified health and wellbeing needs by implementing recommendations put forward by the Health and Wellbeing Steering Committee.

In both systems and learning, we continued to embrace the advantages of online technology, for e-recruitment and course delivery, respectively. Face-to-face contact remains important, however, and our new learning centre will bring staff, partners and other members of the legal service community together and promote a 'One Legal Aid' culture.

### FACT FILE

**965 staff, 427 in regional offices and 538 in Central Sydney**

**477 lawyers and 488 administrative and corporate services staff**

**41 Aboriginal staff**

**709 women and 256 men**

**71 lawyers have specialist accreditation**

### Major achievements

**PRIORITY: SUPPORTING OUR PEOPLE**

### Health and wellbeing of our staff

Legal Aid NSW recognises that ensuring the health and wellbeing of all staff is fundamental to a productive culture. To this end we established the Health and Wellbeing Steering Committee in late 2011 and appointed a Health and Wellbeing Project Officer in April 2012.

After extensive research and consultation with the Executive, the Committee made a series of recommendations to address the health and wellbeing needs of staff



*Members of the new Health and Wellbeing Steering Committee – their recommendations for improving staff health will lead the way in 2012-2013.*

identified in the 2011 Legal Aid NSW Mental Health and Wellbeing Baseline Survey.

The survey showed that, while some staff experience stress, anxiety and depression to varying degrees, their overall wellbeing is similar to that of all other organisations.

The Committee's recommendations included piloting a well-check program, increasing education and awareness training, and improving and promoting the Employee Assistance Program. The CEO approved the recommendations in June 2012. Implementation will begin in 2012-2013.

Staff were encouraged to become more physically active through the Spring into Summer program and participation in one of the seven CEO-sponsored teams in the Global Corporate Challenge where their goal was to walk at least 10,000 steps a day.

### Occupational health and safety

Our focus was the new work health and safety legislation which introduces a uniform national framework. We developed online modules to educate staff and managers about their responsibilities under the legislation and began developing systems to support it.

### STAFF NUMBERS 5-YEAR TREND

YEAR	FTE* FIGURES** FINANCIAL YEAR END	ACTUAL STAFF NO FINANCIAL YEAR END
2011-2012	882.72	965
2010-2011	880.28	972
2009-2010	827.80	909
2008-2009	824.34	912
2007-2008	784.77	852

\*FTE: full time equivalent

\*\* See Appendix 2 for more details

### STAFF MOVEMENTS 4-YEAR TREND

STAFF MOVEMENTS	2008-09	2009-10	2010-11	2011-12
New permanent staff	45	29	15	12
Staff departures	56	41	52	44
Promotions	24	26	26	21

*Data not recorded before 2008*



We shared processes for injury management across the Justice Cluster.

### Workers' compensation

Of the 50 workers' compensation claims lodged in 2011–2012, one injury occurred in 2008–2009 and six in 2010–2011. Figures and costs incurred by these seven claims have been included in the 2011–2012 figures. Of the total 50 claims, 47 were accepted.

The cost to 30 June 2012 of new claims reported in 2011–2012 was \$357,096, compared to \$236,840 in 2010–2011, an increase of \$120,256, or 50.8%.

The number of accepted claims (which includes claims accepted under provisional liability), increased from 22 in 2010–2011 to 47 in 2011–2012. Of the accepted claims, there were 11 fall/slip and seven body stress claims (for example, repetitive strain injury) amounting to \$19,419, or 5.44% of the total cost of claims.

There was an increase in psychological injuries (post-traumatic stress

disorder, anxiety disorders and depression) from nine in 2010–2011 to 16 in 2011–2012.

Of the 16 psychological claims lodged in 2011–2012, nine claims have been finalised. Costs incurred by these psychological claims amounted to \$280,532 or 78.56% of the total cost of claims for the year.

The number of full-time equivalent (on average) staff for this financial year was 882.72, an increase of 2.44 from 880.28 in 2010–2011. This equates to an average claim cost of \$404.54 per staff member compared to \$269.05 per staff member in 2010–2011.

The total number of 'Incident only' reports was 20, the same as in the previous year.

### EEO profile

#### PRIORITY: SUPPORTING OUR PEOPLE

Legal Aid NSW outperformed the NSW Government benchmark of 2.6% for employing Aboriginal staff,

with Aboriginal people representing 4.3% of total staff.

More detailed EEO information is available in Appendix 3.

### Learning and development

#### FACT FILE

Course, seminar, workshop and conference attendances (comprising 4,412 staff and 1,182 external partners)	5,594
Online sessions completed (comprising 1,069 staff and 92 external partners)	1,161
New online users	1,378
Total registered online/LMS* users	4,824
External LMS* users	3,280
Number of external events (attended by 320 staff)	286

### Major achievements

#### PRIORITY: SUPPORTING OUR PEOPLE

#### Online learning increases

The significant increase in completion of online learning underlined our commitment to improving accessibility to learning opportunities for those who have difficulty in attending face-to-face training.

Our online Learning Management System\* attracted 1,378 new users in 2011–2012, taking total user numbers for the year to 4,824. Nearly 70% of registered users were not employed by Legal Aid NSW.

Not only did the breadth of online courses increase, but improvements resulted in a more interactive learning experience. This year we recorded 1,161 completions of online modules, more than double that for the previous year. Just under 10% of online course completions were by external users.

### RECORD OF WORK-RELATED INCIDENTS

TYPE OF INJURY/INCIDENT	NO. OF REPORTS 2010–11	NO. OF REPORTS 2011–12
Workplace	12	4
On duty (not at office)	1	4
Journey	5	9
Recesses – lunchtime & authorised breaks	2	3
<b>Total injuries/incidents</b>	<b>20</b>	<b>20</b>

### RECORD OF WORKERS' COMPENSATION CLAIMS

TYPE OF CLAIMS	NO. OF CLAIMS 2010–11	NO. OF CLAIMS 2011–12
Workplace	16	26
On duty (not at workplace)	4	6
Journey	5	14
Recesses – lunchtime & authorised breaks	-	4
<b>Total claims lodged</b>	<b>25</b>	<b>50</b>
Total claims accepted	22	47
Total claims not accepted	1	1
Claims under investigation		2
Claims declined	2	2

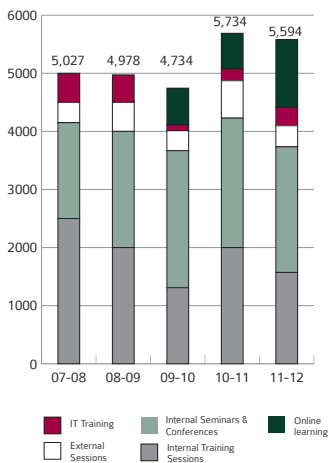
## Health and wellbeing

The comprehensive training calendar included three very well-attended courses: *Demystifying Mental Illness* (40 participants), *Managing Change* (34 participants) and *Managing Psychological Injury* (31 participants). Other programs, some specifically for managers, were available in managing stress, handling workplace conflict constructively, assertiveness and various areas of people management. Two hundred and ten staff accessed online training relating to the new work health and safety legislation and 110 accessed the managers' course on the legislation.

### PRIORITY: EXCELLENCE IN LEGAL SERVICES

We provided 36 legal seminars and legal conferences covering diverse topics and attended by 2,006 inhouse and external lawyers. Attendance by external lawyers increased by 14%.

### COURSE ATTENDANCES 5 YEAR TREND



Note: Online course completions have almost doubled from last year.

Meredith James, Scott Hawkins, Kevin Hassan and David Fenech were part of the team who helped create a new learning centre.

"I APPRECIATE THE DIFFICULT AND CHALLENGING WORK THAT OUR STAFF DO AND RECOGNISE IT IS OUR ROLE TO ASSIST AND SUPPORT THEM IN MANAGING THIS AS BEST WE CAN."

CEO BILL GRANT

Staff conferences included two for office managers and one for managers, our second such conference, attended by 115 people.

In line with our commitment to excellence in services for people experiencing domestic or family violence, there were two training sessions for legal and non-legal staff covering such topics as domestic violence awareness, initial screening, safety planning and referrals.

Sixty one people (35 external participants) sought to improve service delivery to Aboriginal clients by attending *Aboriginal Cultural Awareness Training* and a further 21 attended sessions related to developing their awareness of other cultures.

### PRIORITY: LINKING SERVICES

#### New learning centre

Our new learning centre opened in November 2011 at the Central Sydney office. Rooms were named in the language of the Gadigal people, describing a place for respectful communication.

### Developing skills base of staff

The family law practice adopted an innovative, structured approach to developing the capacity of staff via the family law learning and development framework. The file review and individual planning process enables the identification of developmental expectations for each staff member. This program has been successfully implemented across family law with 95% of staff nominating and participating in a learning and development stream of targeted skills development.

### PRIORITY: SUPPORTING OUR PEOPLE

#### Conferences

Our conferences enjoy a growing reputation as stimulating learning forums, attracting greater numbers of external participants each year.

More than 200 delegates attended the civil law conference in June. Keynote speakers included Justice Virginia Bell of the High Court of Australia and human rights advocate Father Frank Brennan.





*The Diploma of Management Program attracted 30 participants from Legal Aid NSW and partner agencies.*

The theme of *Law for Everyday Life* focused on legal problems such as debts, unpaid fines, discrimination, tenancy, and Centrelink disputes.

Our inaugural conference on child representation in May attracted 156 delegates. It adopted a multidisciplinary approach with hands-on workshops.



*Inspiring keynote speaker Justice Virginia Bell with Bill Grant, CEO of Legal Aid NSW, at the civil law conference.*

The annual family law conference in August 2011 was attended by more than 300 people. The theme was the safety and wellbeing of children in the family law system. The care and protection conference provided an excellent opportunity for participants to keep up with the changes in this jurisdiction.

### **Diploma welcomes partner agencies**

This year our Diploma of Management Program increased its intake to 30 participants. This year's program offered 10 places to our partners in Community Legal Centres and the Aboriginal Legal Service.

### **Workplace management and relations**

#### **PRIORITY: SUPPORTING OUR PEOPLE**

Legal Aid NSW began implementing the e-recruitment system known as Taleo.

After the success of the first phase in 2011–2012, all staff movements and recruitment are now conducted online. Phase Two in 2012–2013, which will involve publishing all selection documents online, aims for a paperless recruitment process.

We commissioned an independent review of our guidelines on flexible working hours to examine how well our systems are functioning, particularly the effect of workloads on staff working hours.

### **Professional and personal achievements**

In June 2012 the Federal Attorney-General announced the appointment of Kylie Beckhouse, Executive Director of the Family Law Division, to the Family Law Council.

Staff from the family law practice presented papers at a range of prestigious international, national and state forums and conferences.

#### **PRIORITY: SUPPORTING OUR PEOPLE**

Seventy-one lawyers have specialist accreditation (NSW Law Society qualifications for expertise in the field). We have achieved an increase in the specialist accreditation from the previous year of 4%.

### **Policy and reviews**

Legal Aid NSW finalised the office manager review, which resulted in an upgrade to office manager positions in recognition of the responsibilities in the position description.

The independent Medibank Health Solutions Report began on 1 September 2011 with the aim of better understanding the factors influencing staff health and wellbeing in the criminal law practice. The Health and Wellbeing Steering Committee has so far implemented 70% of the report's recommendations and will implement the remainder over the next six months.

# OUR ORGANISATIONAL CAPABILITY

The review of the Advocacy Unit in the criminal law practice was completed in 2011.

### Year ahead

Improve our induction process by offering online modules that clearly explain the work of each business area.

Expand learning opportunities to more external participants.

Provide a diversity of quality training programs to assist staff to manage health and wellbeing.

Promote the new Health and Wellbeing Strategy to staff, encouraging them to take advantage of debriefing and support services.

Review workers' compensation processes in collaboration with the insurer and the Justice Cluster with a view to minimising the number of injuries/incidents and claims.

Increase Aboriginal employment to 5.5% of staff.

Invite staff to complete an EEO survey that will give us qualitative and quantitative feedback on current and future needs.

### Key challenge

Managing the workplace changes resulting from NSW Government budget savings, while addressing their impact on staff health and wellbeing. We will closely manage any adverse impact, keeping staff and clients well informed and supporting them as best we can.

**We found better ways to use our resources effectively, achieve greater efficiencies, and improve client satisfaction with our services.**

### Regular reviews and independent scrutiny

Rigorous evaluation and research help us plan and deliver our programs, ensuring our services are appropriately targeted to disadvantaged clients with high legal needs.

### Major achievements

#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

A number of service delivery reviews were commissioned or completed, including:

- Women's Domestic Violence Court Advocacy Program expansion (page 37)
- Community Legal Centres – the Aboriginal Legal Access Program and the Children's Court Assistance Scheme (page 35)
- Cooperative Legal Service Delivery Program (page 38)

Recommendations from these reviews will be implemented in 2012-2013, helping to improve service delivery practices, process and systems across the organisation.

### Commonwealth review

#### PRIORITY: EXCELLENCE IN LEGAL SERVICES

Commonwealth funding to Legal Aid NSW is governed by the National Partnership Agreement on Legal Assistance Services (NPA), and is being reviewed for the Commonwealth Government by the Allen Consulting Group.

The purpose of this review is to:

- assess the progress of the Commonwealth and States in achieving the objectives, outcomes and outputs of the NPA; and
- establish a robust evidence base for the policy and program implementation for legal assistance services across Australia so they are more efficient and cost-effective.

Legal Aid NSW will have several opportunities to provide information to the review.

### Year ahead

Provide a submission to the NPA reviewers, ensuring they have a comprehensive understanding of Legal Aid NSW services and programs, and the collaborative partnerships within the New South Wales legal assistance sector.

Review the conduct of committals and indictable work in the criminal law practice to increase cost-effectiveness and efficiency and improve services for clients.

Review the Family Law Early Intervention Service and outreach services.

Review key regional programs, community partnerships programs and private lawyer panels.

### Key challenge

Completing service reviews and delivering reforms in the context of NSW Government budget savings required over the next three years.

## Effectiveness, efficiency and economy

**Our business systems help us provide clients with high quality services. We made our systems and processes more efficient and innovative, as well as using smarter technology – achieving our Legal Aid NSW goals and resulting in better services for clients.**

Tapping into the knowledge of our lawyers and administrative staff was crucial to this process.

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

##### Database of services

Legal Aid NSW provides a wide range of services to clients across New South Wales. During 2011-2012 we developed a database of services to allow us to better track and promote these services. The *Find a Legal Aid NSW advice service* database is used to provide a map and postcode search of our services on the internet. We also use it to assist us plan our services by identifying areas of need and reducing duplication.

#### PRIORITY: SUPPORTING OUR PEOPLE AND EXCELLENCE IN LEGAL SERVICES

##### A single telephone number

The new telephone system, implemented in September 2011, gives both clients and lawyers dealing with grants-related matters, a single phone number for contacting Legal Aid NSW. Calls are directed to Grants, the Service Desk, Professional Practices, Family Dispute Resolution or the Legal Aid Review Committee Secretariat.

### System improvements

Legal Aid NSW tested and implemented changes to integrate the ATLAS grants management system and the CASES case management system with JusticeLink data. This was part of the Joined up Justice project. The changes will allow staff to view JusticeLink data about their matters in new screens in ATLAS and CASES. This will be implemented early in 2012-2013. We also worked to integrate ATLAS and CASES with the TRIM document management system.

We developed a mobile version of Grants Online for private lawyers. Designed for use on iPads, it will be ready for implementation in early 2012-2013.

### Data collection under National Partnership Agreement

Legal Aid NSW played a key role in the National Legal Aid working group, refining definitions and the counting methodology for data items reported under the National Partnership Agreement.

### Knowledge management

To better support our inhouse legal practices, we established a knowledge management network with representatives from across the organisation. The network creates a forum to share information and identifies areas for cross-practice initiatives. The group looked at practice support tools, keeping up-to-date with changes to legislation, and using technology to support knowledge management.

Knowledge management activities included:

- Developing 'communities of practice' (COPs) in civil law around key areas of law. COPs provide opportunities for lawyers to build skills in particular areas of interest where we want to achieve certain systemic outcomes. Each COP is tailored to meet the professional development needs of staff at all levels and in the context of delivering advice and casework services. Current COPs include employment law, payday lending, and Indigenous consumer law.
- Introducing a learning and development framework in family law (see page 48).
- The family law practice promoted a culture of 'One Legal Aid' to improve internal referrals for clients across our range of services, also engaging an information and referral officer in the Early Intervention Unit in Parramatta to develop strong referral links.

### Library and legal research tools

Legal Aid NSW has a dedicated library service. There has been a 20% increase in research requests from staff, while support to Aboriginal Legal Service lawyers has increased by 11% and our assistance to private lawyers dealing with Legal Aid NSW clients has increased by 3%. There has also been a 5% increase in the number of training sessions offered by the library.

### PRIORITY: LINKING SERVICES

There are now 153 locations where Legal Aid NSW provides regular outreach advice and assistance. We provided 11,446 outreach advice sessions in 2011-2012. A new outreach advice network was established to improve practice, coordination and governance of these outreach services.

### Year ahead

Conduct a post-implementation review of the grants and inhouse case management systems.

Make improvements to the grants management system for private firm users.

Develop an early resolution service for grants management.

Review organisational data and information needs and develop a new tool for management reporting and analysis (see Information Technology).

Redesign the civil law intranet site to better support the civil law practice.

Review the platform for our intranet site to better support knowledge management, improved searches on our intranet, and access to LawPrompt, a rich resource library developed by LawAccess NSW.

### Key challenge

Keeping the business needs of our lawyers and support staff front of mind in the design of our systems. This will require a critical analysis of our business processes and systems to determine whether anticipated benefits have been realised.

## INFORMATION TECHNOLOGY

**Information technology played a key role in assisting the organisation to deliver better services, and to achieve goals from the Legal Aid NSW Plan.**

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

Our new website provides clear pathways for members of the public who need legal help and for lawyers and service providers assisting clients with legal problems (see page 30). The website meets the standards of the World Wide Web Consortium (W3C).

#### PRIORITY: SUPPORTING OUR PEOPLE

### Business intelligence

This year we began developing new business intelligence facilities which will allow the organisation to improve decision-making, resource management and service delivery, by replacing the current data extraction system with new management reporting systems.

A Business Intelligence Taskforce was established in February 2012 to ensure that we have the information needed to monitor and plan our services. The taskforce has:

- audited our data collection so we can identify and address a number of collection issues;
- reviewed our legal service definitions to ensure that they are consistent with State and Commonwealth requirements; and
- commenced collecting referral data to allow us to establish how clients find out about our services and where they are referred.

### Connecting systems and staff

Twenty criminal law staff were issued with iPads linked remotely to Legal Aid NSW systems as part of a pilot to trial this new technology. A clear outcome has been greater work flexibility through making important resources more readily available.

The Legal Aid NSW library is initially introducing the latest e-books and e-loose-leaf services to staff involved in the pilot. The library will also offer training and assistance for staff setting up access to the latest legal applications.

The iPad trial is currently being evaluated.

### Infrastructure

We implemented a new Voice over Internet Protocol (VOIP) telephony solution across the State which will be fully integrated with our desktop environment. It provides staff with integrated telephony, instant messaging, presence visibility and desktop web conferencing. Other infrastructure changes completed this year included the replacement of our core server infrastructure and the installation of a new backup and recovery system.

#### PRIORITY: LINKING SERVICES

### Web conferencing

A pilot of desktop web conferencing to external business partners allowed Legal Aid NSW staff to video-conference from their desk to business partners in other organisations including Community Legal Centres and the Aboriginal Legal Service (see page 43). A successful outcome of the pilot program will be a reduction in costly and time consuming travel by Legal Aid NSW staff to remote areas. The pilot program is due to be reviewed in November 2012.

### Joined up Justice

The project to integrate our case and grants management systems with the JusticeLink courts management system at the Department of Attorney General and Justice continued through this year.

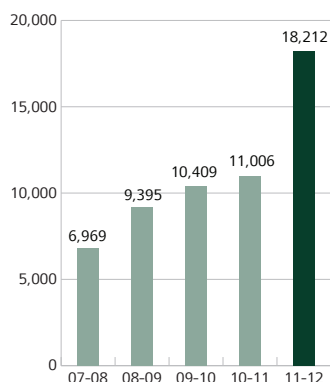
We had anticipated the initial stages of the project would be implemented during the year.

This was delayed as system changes were finalised and implementation is now expected to take place in October 2012.

### AVL services

We used audio-visual links to conduct our work with other justice agencies and gaols, saving on time and costs.

#### AVL CONFERENCES HELD 5 YEAR TREND



*Note: The large increase in the use of video conferencing is due to the inclusion of 5,555 Parramatta Justice Precinct weekend sessions that were not previously included.*

### Service Desk

A new Service Desk was established on 1 July 2011, incorporating the former IT Helpdesk and Grants Support Desk. It provides a single point of contact for all support calls, streamlined support processes and integrated support service software. This year we published a Service Catalogue and implemented a service level agreement with business areas in order to meet their service expectations.

#### Year ahead

Explore mobile communication options.

Broaden the availability of mobile tablet devices to staff where business needs justify their use.

Manage access to essential legal research tools on mobile devices for lawyers working out of the office.

Build partnerships with other law agencies to ensure staff have access to the most up-to-date digital resources.

Survey the users of the new website to ensure it is meeting their needs.

Roll out new Business Intelligence facilities across the organisation and develop a Data Governance Framework.

Provide staff with a new contemporary personal computer operating environment, including the replacement of desktop PCs.

Improve document and resource management, giving consideration to staff mobility needs and records management compliance.

#### Key challenge

Ensuring staff have a range of facilities and options available to them to effectively access our information management systems securely from wherever they are working.

## RESOURCING FOR THE FUTURE

### Major achievements

#### PRIORITY: ACCESS TO JUSTICE

The total number of calls to Legal Aid NSW increased by 36% over the previous year. There were 150,681 calls made to our main reception centre, raising the number of calls dealt with by staff from 100 to 130 calls per person per day. The number of clients visiting in person at our Central Sydney office was 56,683, a 25% increase on 2010–2011. We ensured that staff are trained and skilled to work in this high volume busy environment.

Legal Aid NSW is a member of the Attorney General and Justice Cluster, which is made up of 14 agencies. The Department of

Attorney General and Justice is the principal department, playing a role in facilitating cooperative working arrangements across these agencies. Part of this strategy is the Justice Shared Corporate Services Program—a whole-of-government approach to corporate service delivery. The Program includes consolidating corporate services across the government into six shared service providers or ‘clusters’, pooling technology, resources and expertise.

The Operations Support, Finance, People and Organisational Development and IT areas played a key role in the reform process and contributed to exploring avenues for best practice in shared corporate services.

### Publications

The number of publications ordered through our online system has increased from 382,405 in 2007–2008 to 678,103 in 2011–2012, a 77.3% increase. Despite a growing number of publication pdf downloads (396,176 in 2011–2012), there is still a very large demand for printed publications.

Managing this high volume of resources is a challenge. This year, Legal Aid NSW tendered for a new warehousing storage and distribution system that will improve our distribution turnaround time and increase efficiency.

Publications can be ordered online at: [www.legalaid.nsw.gov.au/publications](http://www.legalaid.nsw.gov.au/publications)

## PRIORITY: SUPPORTING OUR PEOPLE

We improved accommodation for our staff by:

- fitting out a new office at Nowra to meet increased service delivery needs in the area;
- providing staff amenity areas on levels 1, 2 and 4 in Central Sydney; and
- improving court facilities at Penrith and Toronto with the cooperation of the Department of Attorney General and Justice.

New fixed duress alarms were installed at all our regional offices, replacing portable handheld devices, which can be misplaced. In an extreme situation each office now has the discretion to use an alarm that alerts the police directly.

Staff working offsite have GPS remote portable alarms for improved personal protection which enable our security company to take appropriate action in emergencies. Audits of offsite locations are further enhancing our ability to protect the wellbeing of staff providing outreach services.

We have developed a policy framework for risk reduction consistent with the new work health and safety legislation. This requires investigation and corrective action following all high-level incidents.

### Year ahead

Improve our service delivery by providing larger office premises in Wagga Wagga and Gosford.

Continue our security risk program by reviewing all our outreach premises.

Introduce and monitor a new storage and distribution system for our publications that is faster and more efficient.

### Key challenge

Integrating our services with the whole-of-government shared services program and ensuring that Legal Aid NSW service delivery is maintained at a high level.

## ENVIRONMENTAL RESPONSIBILITY

**Legal Aid NSW is committed to taking steps towards achieving paperless offices and increasing green score targets through a number of sustainability initiatives.**

### Managing our records

As part of our records disposal program, we identified approximately 6,000 boxes of records for destruction. This represents an annual saving of \$31,000 in storage costs.

While the appraisal of paper records for destruction is a priority, the compliant disposal of electronic records will be implemented when our case and grants management systems have been integrated fully with our corporate record keeping system.

This year, we upgraded our record keeping system (TRIM) to version 7.1. It will be further upgraded for integration with Sharepoint for the compliant management of electronic documents as records.

### Waste reduction

In line with the NSW Government's Waste Reduction and Purchasing Policy, we reduced the purchase of white paper by 5.5%. Our paper

recycling almost exceeded our paper purchased.

### Energy use

Having met our 2009-2011 WRAPP targets we are looking for new and different ways to be green in leased office accommodation. This is challenging as we have already put systems in place and exceeded Government targets for electricity usage and fleet green scoring\*, and adopted procurement strategies via government purchasing. We will monitor and review our progress to ensure we maintain our performance.

### Year ahead

Integrate our business systems across Legal Aid NSW to provide staff with an efficient records and information management environment that complies with record keeping standards and requirements.

Find new ways to improve on our current green initiatives.

Implement more strategies from our WRAPP Plan.

### Key challenge

Increasing staff awareness and participation in finding new green initiatives to be included in our 2013-2015 WRAPP Plan.

### HOW WE REDUCED OUR ENVIRONMENTAL FOOTPRINT THIS YEAR

Goal	Target	Achieved
Reduce electricity consumption	Reduce number of standalone printers by 75%	Replaced 95% of printers with multi-function units.
Reduce paper purchasing by 10% (main WRAPP* goal)	85% of all copy paper to contain recycled content	100% of white copy paper is recycled and carbon neutral.
**NABERS Building Energy Rating for Central Sydney office	4.5 star NABERS** Rating	4.5 star NABERS** Rating at Central Sydney
Green electricity purchasing	Government target 6%	We purchased 15% green power
Increase E10 fuel consumption	100%	100%
Increase vehicle Environmental Performance Rating (EPR)	13.5	13.73 with target for 14.7 (EPR) for 2012-2013
Carbon neutrality	Carbon neutral	All paper now carbon neutral and actions as above

\*Government Waste Reduction and Purchasing Policy.

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



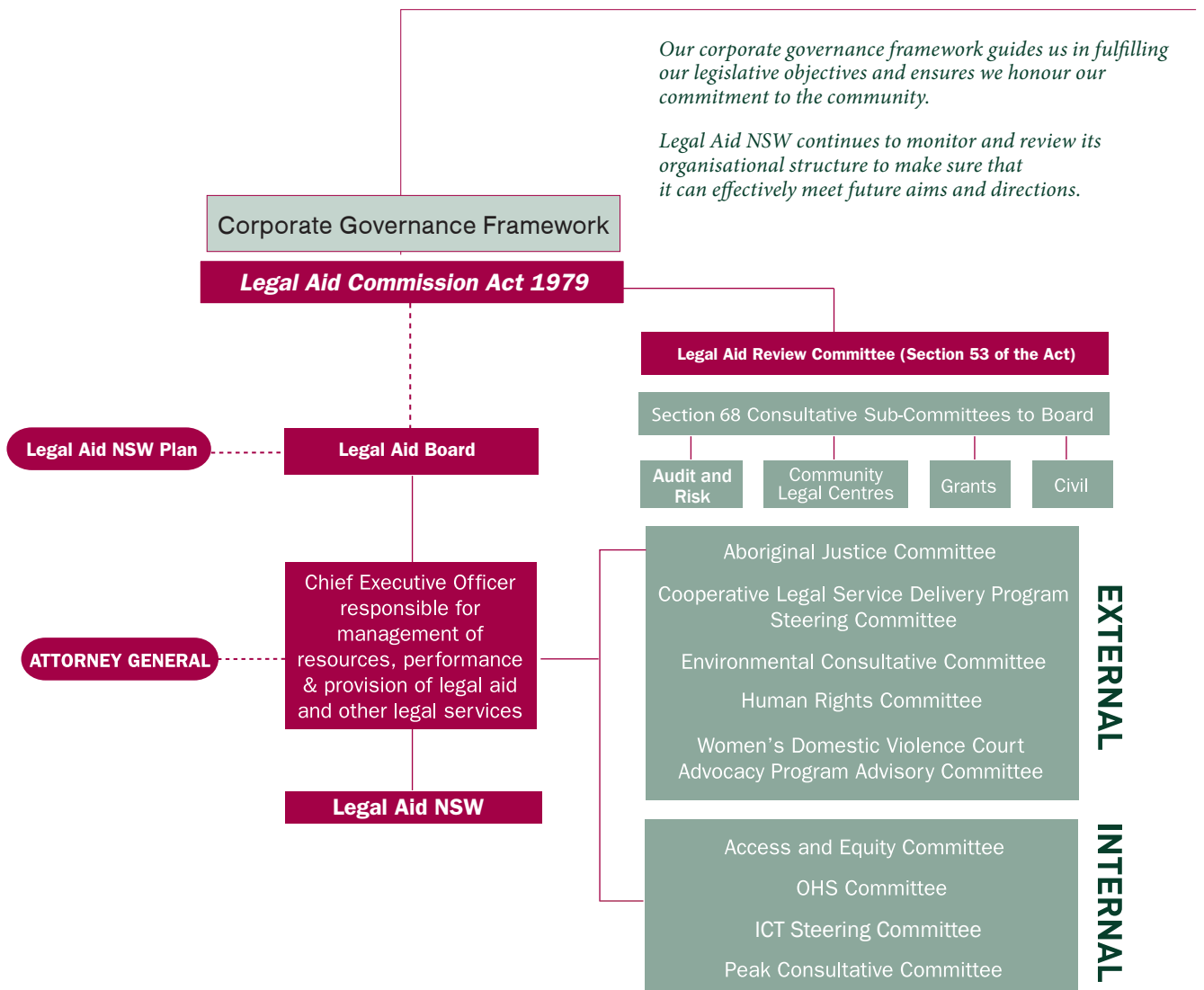
## SETTING STRATEGIC DIRECTION, MONITORING PROGRESS, ENSURING COMPLIANCE

### Major achievements

- The Board oversaw key policy changes and approved the establishment of new services as well as implementation of the National Partnership Agreement on Legal Assistances Services (page 56)
- Developed a new high-level Operational Plan 2012–2013 (page 61)

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## LEGAL AID NSW BOARD

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

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

Part-time Board members are appointed by the NSW Attorney General for a for a period of up to three years, other than the Chair who is appointed for a period up to five years. All are eligible for re-appointment.

### Key activities of the Board

The Board welcomed Bill Grant as CEO in December 2011.

Monitoring progress of Legal Aid NSW against performance indicators set out in the National Partnership on Legal Assistance Services was a priority this year for the Board. To this end, the Board approved the establishment of new services and projects to increase advice and minor assistance to disadvantaged Australians.

The Board oversaw the establishment of the Standard Non-Parole Period Review Team at Legal Aid NSW to respond to the decision in *Muldrock*.

The Board continues to ensure the delivery of high quality services. It provided strategic input to the development of guidelines for the allocation of duty backup work in metropolitan courts. The Board also provided strategic advice in relation to the management of conflict of interest, in the establishment of a new service to assist victims to assert their privacy over counselling records, which may be subject to subpoena.

The Board was regularly briefed on efforts to improve staff mental health and wellbeing, which continues to be a high priority for the Board.

The Board approved a number of other policy amendments that are

aligned with the priorities set out in the Legal Aid NSW Plan. These included:

- Amendments to the civil law policy in relation to migration matters concerning visa cancellations under s501 of the *Migration Act 1958*;
- Amendments to the family law policy to reinstate legal aid for the contravention of parenting orders;
- Amendments to the criminal law policy to support a pilot project at Mt Druitt Local Court providing duty services to defendants in Apprehended Domestic Violence Order (ADVO) matters;
- Amendments to the family law policy in relation to care and protection;
- Amendments to the criminal law policy to clarify that the CEO has not delegated the authority to make determinations under sections 33 or 34 of the *Legal Aid Commission Act* in relation to matters under Part 7 of the *Crimes (Review and Appeal) Act 2007* (NSW); and
- Amendments to the civil law policy to allow for legal aid to be granted to victims of sexual assault in sexual assault communications privilege matters where the victim seeks to assert the privilege to protect her records from being subpoenaed in criminal trials

There were no emergency decisions required during the year.

### Meetings of the Board

Six meetings were held in 2011–2012.

Forty per cent of the Board's time was spent on governance matters such as audit and risk, strategic reviews and organisational planning; finance and other budget matters took up approximately 30 per cent of the Board's time; 30 per cent was spent on strategic operations and policies, and law reform issues.

### Board members' fees

Part-time Board members are entitled to be paid fees for 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 per annum. No fees are paid to members who are salaried Government employees or who elect to forego payment.

### Year ahead

Manage the Board member nominations process, which occurs every three years and will occur in November 2012.

### Key challenge

Ensuring that Legal Aid NSW meets its budget savings targets while continuing to maintain high quality legal services to clients.



Board members l to r: Barbara Ramjan, Bill Grant, Phil Bickerstaff, Andrea Durbach, Peter Collins, Ian McClintock, Maria Girdler, Reverend Harry Herbert and John Bordon. Absent: Mary Macken.

## BOARD MEMBERS

1 JULY 2011 – 30 JUNE 2012

### **The Hon Peter Collins AM RFD QC BA LLB (Syd)**

Appointed by the Attorney General as Chair. A Barrister and ABC journalist before his election to the NSW Parliament, Peter served for 22 years in senior roles including Minister for Health, Attorney General and Treasurer of NSW during his seven years in the Greiner/Fahey Governments, and a further six years as Deputy Leader and Leader of the Opposition, before leaving the Parliament in 2003.

He has been a Director of the leading industry superannuation fund HOSTPLUS since 2006. He is a Fellow of the Australian Institute of Superannuation Trustees and chairs both the Sydney Financial Forum and Barton Deakin Government Relations consultancy firm.

For his public service, Peter Collins was made a Member of the Order of Australia (2004) and a Commander in the Order of St John (2012). He has also received the Centenary Medal.

(Attended 6 meetings)

### **Bill Grant OAM LLB**

Appointed by the Attorney General as CEO in December 2011. See biography on page 58.

(Attended 3 meetings – February to June 2012)

### **Alan Kirkland BA LLB MBA (Exec)**

Appointed by the Attorney General as CEO in 2008 and served in that position until October 2011.

(Attended 1 meeting in August 2011)

### **Richard Funston BComm LLB EMPA (See biography on page 58).**

(Attended 2 meetings in October and November 2011 as Acting CEO)

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

Appointed by the Attorney General to represent consumer and community welfare, 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.

(Attended 5 meetings)

### **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 Committee. He is also a member of the Board of the Festival Development Corporation, Ryde Family Support Service and Fairfield Community Resource Centre.

(Attended 5 meetings)

### **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. Previously, 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.

(Attended 4 meetings)

### **John Bordon BA LLB (UniSyd) LLM (UNSW)**

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.

(Attended 6 meetings)

### **Ian McClintock SC BA LLB (UNSW)**

Nominated by the NSW Bar Association, Ian practises as a barrister principally in criminal law. Ian was involved in establishing Redfern Legal Centre. He worked as a Legal Aid NSW lawyer in the 1980s, in the Attorney General's Department in the Criminal Law Review Division before returning to Legal Aid NSW and then going to the Bar. He is a founding member of Forbes Chambers which specialises in criminal law.

(Attended 5 meetings)

(Alternate: Phillip Boulten SC)

### **Maria Girdler BA LLB (UNSW)**

Nominated by Community Legal Centres NSW and appointed by the Attorney General to represent bodies that provide community legal services, Maria is the Manager of Macquarie Legal Centre, and has held this position for 14 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 the Prime Minister and Cabinet and a number of State and Federal government departments.

(Attended 5 meetings)

(Alternate: Patrick O'Callaghan)

### **Mary Macken MA LLM (UniSyd) FAICD**

Nominated by the Law Society of NSW, Mary is the immediate past President of the Law Society of NSW and a practising lawyer in New South Wales, 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.

(Attended 5 meetings)

### **Barbara Ramjan BA(Hons)(UniSyd); GradDipCrim(UniSyd); BTeach(UWS); MHL(UniSyd)**

Appointed by the Attorney General, Barbara has appeared as a Guardian ad Litem in the Children's Court and Administrative Decisions Tribunal, as well as filling this role in many other courts and tribunals. Barbara is a member of the Children's Court Advisory Committee, providing advice to the Attorney General and the Minister for Community Services on the workings of the Court.

(Attended 5 meetings)

## EXECUTIVE DIRECTORS



**Bill Grant**  
OAM LLB

**Chief Executive Officer**  
(SES Level 6)

Budget Total:	\$242.3M
Staff: (FTE)	882.72
Total Actual:	965

Bill commenced as CEO of Legal Aid NSW in December 2011. Bill was appointed by the Attorney General, Greg Smith, and returns to the position of CEO after a four-year absence from the organisation. He served as head of Legal Aid NSW from 2001 to 2007. For the past four years, Bill has been the Secretary-General of the Law Council of Australia. Bill worked at the Attorney General's Department between 1988 and 2001, reaching the position of Deputy Director General.

In his first six months Bill reviewed the strategic position of Legal Aid NSW within the justice system and undertook a rigorous analysis of the budget position for the organisation.

Bill ensured the continued growth of early intervention under the National Partnership Agreement with the Commonwealth. He ensured Legal Aid NSW was an active participant in Justice Cluster initiatives.

For more information, see Appendix 1.

**Patricia O'Farrell**  
LLB

**Deputy Chief Executive Officer, Operations**  
(SES Level 4)

Budget Total:	\$63.0M
Staff: (FTE)	759.09
Total Actual:	835

Patricia took up her position in March 2011. Patricia commenced work as a lawyer in private practice in 1993. Since 2004, Patricia has worked as a lawyer and as a senior executive in the public sector in New South Wales, Western Australia and the Commonwealth. Prior to joining Legal Aid NSW, Patricia was an Assistant Secretary, and Director of the Legal Services Branch in the Commonwealth Department of Health and Ageing.

This year Patricia supported a range of mental health and wellbeing initiatives and oversaw a more strategic approach to the management of audit and risk for Legal Aid NSW.

Patricia also led the establishment of a Knowledge Management Group.

**Kylie Beckhouse**  
BA LLB

Accredited Criminal Law Specialist

**Executive Director Legal Services Family Law**  
(Senior Officer Grade 2)

Budget Total:	\$17.6M
Staff (FTE):	205.51
Total Actual:	226

Kylie was appointed Director of the Family Law Division 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. She is an accredited specialist in family law. She was recently appointed by the Attorney-General to the Family Law Council of Australia.

Her division achieved a significant increase in the number of family law services delivered across New South Wales, including casework, duty, advice, minor assistance and community legal education. Included in that is a record number of family mediation conferences.

Kylie also launched a multimedia education package on family law issues and introduced a professional development program for all family lawyers.

**Brian Sandland**  
BCom LLB PSM

**Executive Director Legal Services Criminal Law**  
(SES Level 2)

Budget Total:	\$31.0M
Staff (FTE):	284.68
Total Actual:	318

Brian has worked in private practice and then in Legal Aid NSW for 32 years, firstly in civil law for four years and then criminal law for the last 28 years. He has held senior management roles in regional offices and Central Sydney and been Director of the Criminal Law Division since 2003.

Brian oversaw the establishment of the Commonwealth Crime Unit to handle the large influx of people smuggling matters to New South Wales and laid the groundwork for a duty backup scheme in metropolitan Sydney Courts.

He also led the rapid response to the decision in *Muldrock v Regina* and continued to work with justice agencies and the courts to improve the efficiency of trials.

**Richard Funston**  
BCom LLB EMPA

Accredited Criminal Law Specialist

**Executive Director Grants and Community Partnerships**  
(SES Level 2)

Budget Total:	\$117.9M
Staff (EFT):	98.97
Total Actual:	106

Richard's earlier experience includes eight years with Victoria Legal Aid and four years as Principal Solicitor of the Inner City Legal Centre in New South Wales.

During his 15 years with Legal Aid NSW, Richard has held leadership roles across the organisation.

Richard has worked closely with private lawyers – improving communication, responding to their concerns and finding innovative solutions to their problems.

The Community Partnerships part of the division has built on the work of previous years and is now acknowledged by many workers in the community as a centre of excellence.

Our senior management team is diverse and highly experienced, each director contributing to the strength of our organisation and helping to achieve our goals.



### Monique Hitter

BSW Dip Law

**Executive Director  
Legal Services Civil Law**

(Senior Officer Grade 1)

Budget Total: \$14.3M

Staff (FTE): 172.33

Total Actual: 187

Monique has worked as a lawyer since 1997 in both the government and private sectors.

Monique developed the model for the Cooperative Legal Services Delivery Program and managed its pilot in 2004. It is now implemented in many regions across NSW.

Monique is currently a Director of the Public Interest Law Clearing House and has been the Director of the Civil Law Division since July 2007.

This year Monique established ground-breaking early intervention legal services in the areas of employment law and long-term financial hardship.

She set up two new specialist services: the Work and Development Order Service and a service for victims of sexual assault seeking to protect their privacy.

Her division also achieved a significant increase in the number of advice and minor assistance services, especially in regional New South Wales.

### Annmarie Lumsden

BA LLB Dip Bus EMPA

Accredited Criminal Law Specialist

**Executive Director  
Strategic Policy  
Planning and  
Management Reporting**  
(SES Level 2)

Budget Total: \$1.7M

Staff (FTE): 19.6

Total Actual: 20

In her 15 years at Legal Aid NSW, Annmarie has held a number of senior roles including Director Grants, Executive Officer to the CEO, and Solicitor Advocate in the Criminal Law Division.

Her earlier experience includes seven years at the Legal Aid Office ACT, as well as working in private practice and government.

Annmarie's key achievements this year were completing a major review of the Legal Aid NSW means test and securing an increase in the base hourly rate for fees paid to private lawyers in Commonwealth matters.

### Clare Hamilton

B Bus (Accounting) CPA

**Executive Director,  
Finance**

(Senior Officer Grade 2)

Budget Total: \$3.M9

Staff (FTE): 20.43

Total Actual: 21

Clare was appointed to this position in 2008.

Clare's experience over 28 years includes senior roles in New South Wales government agencies ranging from Botanic Gardens Trust to Juvenile Justice and Education and Training.

A key achievement for 2011-2012 was the development of a new finance reporting system and major reconfiguration of the financial management system, to be implemented in 2012-2013.

### Vicki Leaver

BA Dip Ed

**Executive Director  
People and  
Organisational  
Development**

(Senior Officer Grade 2)

Budget Total: \$1.8M

Staff (FTE): 18.68

Total Actual: 20

Vicki was appointed as the Executive Director, People and Organisational Development in July 2011.

Vicki has had held senior roles in the public and private sectors after commencing her career as a primary school teacher.

Before joining Legal Aid NSW, Vicki held senior roles at RailCorp and the Department of Health.

A key achievement for 2011-2012 has been to develop a Health and Wellbeing Strategy for Legal Aid NSW.

### Wayne Gale

BA (Computing) MCom (Accounting)

**Executive Director,  
Information Technology  
Services and Records**

(Senior Officer Grade 2)

Budget Total: \$4.3M

Staff (FTE): 33.02

Total Actual: 34

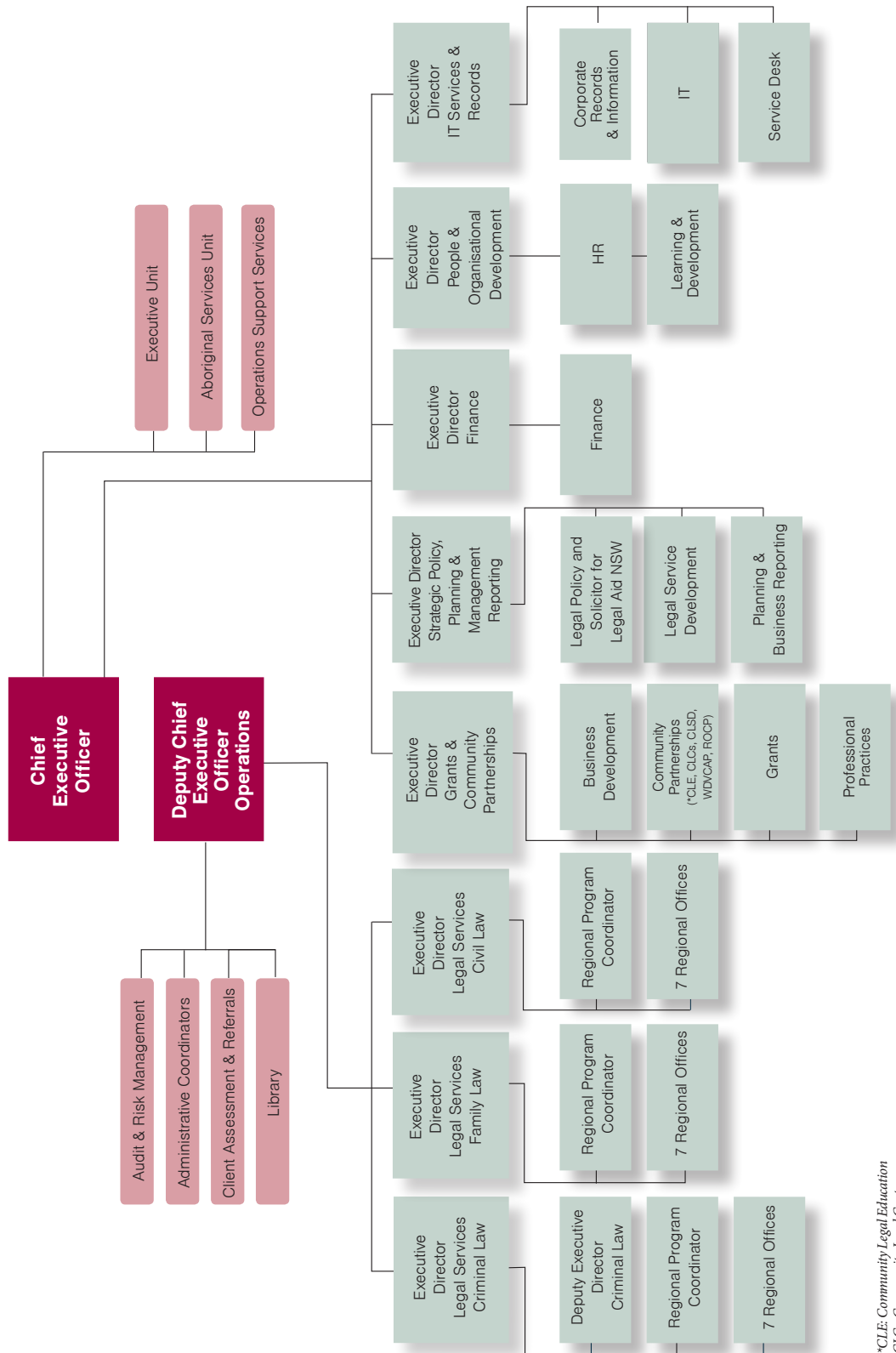
Wayne was appointed to his position in January 2007. During 2010-2011 his role expanded to include responsibility for records

management. Wayne's career in information technology spans 26 years, including senior roles both in the private sector providing information technology services and solutions to Government, and more recently working directly in the government sector.

Wayne has continued to progress initiatives outlined in our Information and Communications Technology Strategic Plan 2011-2013.

Major projects this year include the development of improved business intelligence systems, the implementation of a contemporary telephony and unified communications system across Legal Aid NSW, and piloting the use of mobile tablet devices with frontline staff.

## ORGANISATION CHART 2012



\*CLE: Community Legal Education  
 CLCs: Community Legal Centres  
 CLSD: Cooperative Legal Service Delivery Program  
 WDV/CAP: Women's Domestic Violence Court Advocacy Program  
 ROCP: Regional Outreach Clinic Program

## 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.

### **Board and management roles and responsibilities**

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 57.

The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from the Deputy CEO, Operations and eight Executive Directors.

The CEO has a performance agreement with the Attorney General (see Appendix 1). The Deputy CEO, Operations and Executive Directors (Senior Executive Service) have performance agreements with the CEO.

Our work is supported by a range of plans and policies to establish procedural requirements, standards and priorities.

These include our new Legal Aid NSW Plan, Code of Conduct, legal aid guidelines and means tests, Corruption and Fraud Prevention Plan, Business Continuity Plan and Operational Plan.

### **Corporate planning**

A new corporate plan, referred to as the Legal Aid NSW Plan 2011–2013, became effective this year following extensive internal and external consultation. Subsequently, a comprehensive Operational Plan 2011–2012 was developed to ensure that the focus areas of the Legal Aid NSW Plan were implemented. Progress against this plan is reported and monitored quarterly.

A new high level Operational Plan 2012–2013 was developed in May under which we continue to implement actions that will meet the priorities of the Legal Aid NSW Plan. The Legal Aid NSW Plan 2011–2013 will expire next year and work on a new plan will commence early in 2013.

The Legal Aid NSW Plan is posted under the *About Us* section on the Legal Aid NSW website.

### **Ethical standards and Code of Conduct**

Legal Aid NSW is committed to acting ethically at all times. The Legal Aid NSW Code of Conduct provides an ethical framework for the decisions, actions and behaviour of all our staff and identifies the principles underlying appropriate conduct and the minimum standards of behaviour expected of staff. All new starters must read and sign the Code of Conduct before commencing work at Legal Aid NSW and it is an integral component of our induction training program.

In addition, all our lawyers are bound by professional practice standards, comply with mandatory continuing professional development

requirements and have available a range of skills development training courses.

### **Financial performance**

Legal Aid NSW has a strong financial focus, robust budgets and clear, concise reporting to internal and external stakeholders. Detailed monthly financial reports are prepared for the Audit and Risk Committee and the Board. A commentary including detailed analysis is also provided. The Executive Director, Finance provides expert advice at the Audit and Risk Committee and Board meetings.

### **Identifying and managing risk**

Legal Aid NSW regularly conducts a risk assessment of its activities covering both strategic and operational risks.

The risk assessment is used to prepare the Internal Audit Plan. The Internal Audit 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.

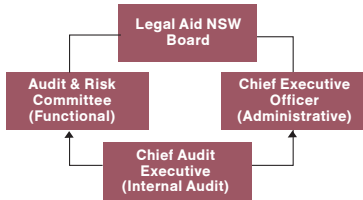
Each audit has a stated objective and scope of activity. All audit recommendations to improve controls require a management response detailing the action that will be taken to implement the recommendations, the designated responsible officer and an identified completion date for implementation.

Presentation of the Audit Plan and regular reports on the progress of audits and the implementation of audit recommendations are included on the agenda of the Audit and Risk Committee.

During 2011–2012, Deloitte Touche Tohmatsu and the Internal Audit Bureau were the internal auditors for Legal Aid NSW.

## Risk management process

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.



## Business continuity

We have a Business Continuity Management Plan that is activated when a risk event renders Legal Aid NSW unable 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.

Our Information Technology disaster recovery site provides an alternative site to host business systems and is tested on a regular basis.

## Fraud and corruption processes

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.

## Report from the Audit and Risk Committee 2011–2012

The primary objective of the Audit and Risk Committee is to advise the Board, including the Chief Executive Officer, concerning 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 three members. Two members (Phil Bickerstaff and Lyn Baker) were independent members and one member (Kylie Beckhouse) was a non-independent executive member. The Chief Executive Officer, the Deputy Chief Executive Officer Operations and Chief Audit Executive, and the Executive Director Finance also attend each meeting. Representatives from the Audit Office attended some meetings.

The Committee met on 10 occasions in 2011–2012 and reviewed a range of matters including:

- Monthly financial results;
- Internal Audit Plan for 2011–2012;
- End of Year Financial Statements;
- Updates on Internal Audits and the implementation of recommendations; and
- Board papers with financial implications.

The following internal audits were completed during the year:

- Post Implementation assessment of CASES;
- Occupational Health and Safety and First Aid Assessment; and
- Information Security Current State Assessment.

A number of audits are currently in progress, including Administration and Recording of Flex Leave, Review of Better Practice Standards in application development and Review of Software Licences Management.

Signature

Philip Bickerstaff MComm  
Independent Chair

October 2012



### Year ahead

Deliver and be accountable against the priorities in our Legal Aid NSW Plan 2011–2013, which will draw to a close this year, and begin work on a new plan early in 2013.

Achieve budget savings in State Government funded programs. See page 67.

### Key challenge

Developing a new Legal Aid NSW Plan for 2013–2015. The planned growth in our services must be balanced with our responsibilities for sound fiscal management, especially in meeting savings requirements.

### Legislative compliance

#### Significant cases and legislative amendments

There were two significant cases relating to the provision of legal aid this year.

*Rowell & Keough* [2011] FamCAFC 74 was a case that considered s57 of the *Legal Aid Commission Act* 1979. Section 57 provides that if a party to proceedings before a court or tribunal has appealed or intends to appeal to a Legal Aid Review Committee against a decision made by Legal Aid NSW, that party may apply for an adjournment of the proceedings pending the hearing

of the appeal. The Full Court of the Family Court of Australia confirmed that s57, though a New South Wales provision, applies to proceedings in the Federal Magistrates Court. The Court went on to consider the special circumstances that would prevent a court from granting an adjournment of family law proceedings when a party has an appeal pending before a Legal Aid Review Committee.

*Commonwealth Bank of Australia v Clapham* [2012] NSWSC 41 was a decision of the Supreme Court in which McDougall J expressed the view that, in determining whether there are special circumstances preventing a court from granting an adjournment under s57 of the *Legal Aid Commission Act* 1979, the Court should have regard to the dictates of the sections of the *Civil Procedure Act* 2005 from s56 onwards, which provide guiding principles for the case management of civil proceedings.

The Legal Aid Commission Regulation 2011 commenced on 1 September 2011. The Regulation reproduces the previous regulation which expired on 31 August 2011 and allows for the term of appointment to a lawyers panel to be up to five years.

#### Public interest disclosures

The *Protected Disclosures Act* 1994 was amended in 2010 and 2011 and renamed the *Public Interest Disclosures Act* 1994 (the PID Act). Legislative changes to strengthen the protections for public officials who disclose wrongdoing came into effect from 1 July 2011. As required by the PID Act, Legal Aid NSW has appointed a Disclosures Coordinator, the Deputy CEO Operations, and will be adapting a policy for receiving, assessing and dealing with public interest disclosures.

Legal Aid NSW has not received any public interest disclosures since 1 January 2012.

### Internal Audit and Risk Management Statement for Legal Aid NSW 2011–2012

I, William Grant, 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, William Grant, 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 09/08.

The Chair and Members of the Audit and Risk Committee are:

Phil Bickerstaff, Independent Chair (3 year appointment)

Lyn Baker, Independent Member.

Kylie Beckhouse, Non-Independent Member (4 year appointment)

I, William Grant 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.

Signature



William Grant  
Chief Executive Officer

### Right to information

The *Government Information (Public Access) Act 2009* (GIPA Act) commenced from 1 July 2010, replacing the *Freedom of Information Act 1989*. The GIPA Act provides for a regime of open government information, encouraging the release of information without the need for formal applications.

During 2011–2012, Legal Aid NSW continued to make information about legal aid and other matters, including policy documents, available to the public, in most cases free of charge. In this, the second year of operation of the GIPA Act, we experienced a significant increase in requests for information, both informal requests and formal applications. Twenty-two formal applications were received. There have also been three applications to the Office of the Information Commissioner for external review of Legal Aid NSW GIPA decisions.

Most requests continued to be from clients seeking access to material from their own case files and applicants for legal aid seeking to understand how their applications were determined. However, there were a number of applications which raised complex legal issues, including legal professional privilege. This, together with the more stringent procedures under the new legislation, means that compliance with the GIPA Act requires a greater commitment of resources than was the case with the previous legislation. Details of the number of applications under the GIPA Act are provided in Appendix 9.

### Privacy

The *Privacy and Personal Information Protection Act 1998* (PIIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act) set out privacy standards for New South Wales public sector agencies.

The Privacy Code of Practice for Legal Aid NSW approved by the Attorney General in June 2000 modifies the application of the Information Protection Principles in the PIIP Act to permit Legal Aid NSW, when determining the eligibility for legal aid of an applicant, to collect information about third parties associated with the applicant from a person other than the person to whom the information relates.

Legal Aid NSW adopted a Privacy Management Plan in 2001 and revised it in 2004. The Plan describes our policies and practices to ensure compliance with the *Information Protection Principles* in the PIIP Act and the *Health Privacy Principles* in the HRIP Act.

Part 5 of the PIIP 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 2011–2012.

#### Year ahead

Raise awareness and understanding amongst staff of the *Public Interest Disclosures Act 1994*, and monitor compliance with the legislation.

#### Key challenge

Ensuring compliance with the *Government Information (Public Access) Act 2009* within existing resources, including providing training to ensure that all staff are aware of their obligations.

### Public accountability

We are accountable to the public through an appeals system that guarantees procedural fairness and an open and efficient complaints process.

#### Appealing decisions

Six independent Legal Aid Review Committees (LARC) determine appeals that relate to legal aid applications and grants of legal aid. The Committees each have three members: a person nominated by the Minister; a nominee of the Law Society of NSW and the NSW Bar Association; and a person who is not a lawyer. Committee members are appointed for a period up to two years, and are eligible for reappointment.

This year the review committees held 63 meetings and four teleconferences. The committees allowed appeals in 127 of 1,375 matters submitted, compared to 134 appeals allowed out of 1,393 submitted last year. See table on page 65 for details.

#### Appeal trends over five years

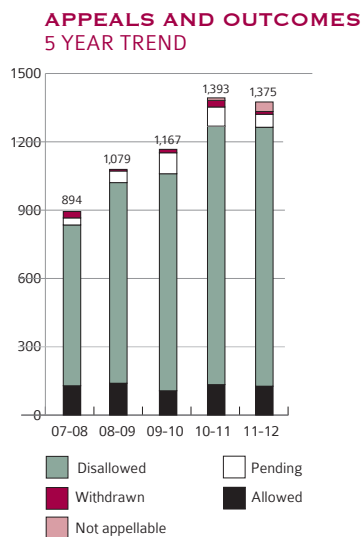
Following increases in the number of appeals over four consecutive years, there was a slight reduction in 2011–2012, with appeals down to 1,375 from a peak of 1,393 in 2010–2011.

While over the past five years the number of appeals allowed has remained relatively stable, the percentage of appeals allowed as a proportion of total appeals has decreased from 14.4% in 2007–2008 to 9.5% in 2011–2012.

## APPEALS AND OUTCOMES 1 JULY 2011 TO 30 JUNE 2012

Law Type	Allowed	Disallowed	Pending	Withdrawn	Not Appellable	Total Appeals	Appeals Allowed(%)
Family	101	810	32	2	0	945	10.69
Criminal	18	165	8	6	39	236	7.63
Civil	8	162	17	4	3	194	4.12
<b>TOTAL</b>	<b>127</b>	<b>1,137</b>	<b>57</b>	<b>12</b>	<b>42</b>	<b>1,375</b>	<b>9.51</b>

The total number of family law appeals decreased from 1,019 in 2010–2011 to 945 in 2011–2012 and the number of criminal law appeals increased from 188 to 236. There was a slight increase in the number of civil law appeals over the same period.



The number of ‘not appellable’ appeals (where an appeal is made but there is no right of appeal) substantially increased from 11 in 2010–2011 to 42 this year. There is no record of such appeals prior to 2010–2011 because in previous years ‘not appellable’ appeals were counted as ‘disallowed’.

The Legal Aid Review Committee Secretariat is dedicated to ensuring that applicants are afforded procedural fairness in the process of reviewing appeals. The Secretariat is constantly working to refine its

administrative processes to increase efficiency so that we are able to best serve our key stakeholders.

Information about appealing can be found in the *Get Legal Help* section of the Legal Aid NSW website.

### Complaints handling

Receiving and responding to complaints in an open and professional manner is an essential part of our accountability and commitment to providing high quality services.

People can complain about our services, and those of assigned services, in a variety of ways. Complaint forms are available in all Legal Aid NSW offices. Clients can telephone or email us with their complaint.

### TOTAL COMPLAINTS

Type	No.
Eligibility	260
Fees issues/wrongful claim fees/overcharging	25
Legal Aid NSW staff or administration issues	48
Private lawyers	70
Systems or processes	50
Quality of legal service	140
Other	11
<b>TOTAL</b>	<b>604</b>

*Note: Refers to the number of complaints, not the number of unique complainants.*

We made an online complaint form available on our website in September 2011. The website also has a set of frequently asked questions about making a complaint.

Legal Aid NSW received 604 complaints in 2011–2012. The highest proportion of complaints related to eligibility, followed by quality of legal services.

The 604 complaints in 2011–2012, was higher than the 245 in 2010–2011. The availability of an online complaint form on our website improved the ability to complain and may have been partly responsible for the increase in the number of complaints.

### Year ahead

Introduce an online training module for all review committee members on eligibility policies and committee procedures. A module is also being developed for Legal Aid NSW staff on review committee processes.

Pilot the use of iPads for review committee meetings, to transform the review process to an e-based system, reducing costs, resource intensity and paper waste.

Review our complaints system to ensure that we have appropriate processes in place to enable timely responses to complaints and identify systemic issues arising from complaints.

### Key challenge

Establishing a system for more rigorous analysis of complaints, which will be linked to systems and service improvements.

The continuing operation of Legal Aid NSW depends upon strong financial management. This year we developed a more flexible reporting system to better meet the organisation's needs.

**Key results**

- Total revenue of \$243.6M
- Total expenses of \$244.7M
- Net equity of \$8.4M
- Deficit of \$0.2M

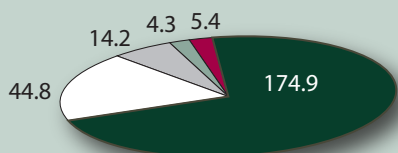
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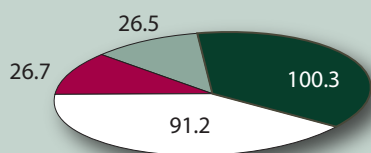
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**WHERE OUR MONEY CAME FROM (\$M)**



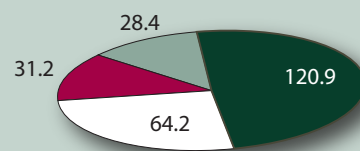
- State Appropriation including Commonwealth NPA Funding
- Public Purpose Fund Grant
- Other Grants
- Interest
- Other

**HOW WE SPENT OUR MONEY (\$M)**



- Salaries
- External Legal Services
- Grants and Subsidies
- Other

**HOW WE SPENT OUR MONEY BY PROGRAM AREA (\$M)**



- Criminal Law
- Family Law
- Civil Law
- Community Partnerships

# FINANCIAL OVERVIEW

## Funding

**Legal Aid NSW receives its income as a grant from the Department of Attorney General and Justice. The grant comprises income mainly from the NSW Government and Commonwealth Government. In addition, income is received from the Public Purpose Fund, interest and client contributions.**

Total income for 2011–2012 was \$243.6 million and expenditure was \$244.7 million.

Funding from the NSW Government was \$113.3 million. This represents a 5.8% increase on 2010–2011.

Funding from the Commonwealth Government under the National Partnership Agreement (NPA) was \$61.6 million. This represents a 2.2% increase on 2010–2011.

Commonwealth funding under the NPA is being reviewed to ensure legal service delivery is cost-effective and efficient (see page 50).

## Key developments

There was an operating deficit of \$0.2 million, which is an improvement on the budgeted deficit of \$0.9 million.

We ended the year with a net equity of \$8.4 million.

Payments of \$100.3 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.

**ON 30 JUNE 2012  
THE NET EQUITY FOR  
LEGAL AID NSW WAS  
\$8.4 MILLION.**

## PRIORITY : EXCELLENCE IN LEGAL SERVICES

### Major achievements

#### Improving the way we work

This year we developed a more flexible reporting system to better meet the organisation's needs. In addition, we simplified our financial management system and commenced work on a major reconfiguration of our Chart of Accounts.

#### Managing cost pressures

Like all State Government agencies, Legal Aid NSW is required to make budget savings to State-funded programs. A number of reviews this year will assist us to make informed rigorous decisions in relation to short-term and longer-term savings.

#### Year ahead

Finalise the implementation of a new Chart of Accounts supported by a new module in the financial management system.

Make budget savings across a range of areas — assignment practices, Legal Aid NSW policies and workforce management.

#### Key challenge

Continuing to operate within budget and maintain high quality services to clients.

#### Payment of accounts

We paid all accounts on time and were not required to pay penalty interest on any account.

#### 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 glossary

### Public Purpose Fund

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

Payments may also be made from the Fund for certain purposes, including the supplementation of the Legal Aid Fund, the Fidelity Fund and the Law Foundation Fund. Payments may also be made for legal education programs, law reform and improving access to legal information for the people of NSW.

### Client contributions

In many cases Legal Aid NSW requires an initial contribution based on income and assets from a person granted legal aid. Certain cases are exempt.

At the conclusion of the case or the legal aid grant, Legal Aid NSW may recover the total costs of a matter where the applicant has recovered a sum of money or other asset or there is a substantial improvement in their financial circumstances.

### Community programs

Legal Aid NSW provides funding for the Community Legal Centres Funding Program and the Women's Domestic Violence Court Advocacy Program (pages 35–7, 131–2).

## FINANCIAL PERFORMANCE

The financial result for Legal Aid NSW was a deficit of \$0.2 million which compares closely to the budgeted deficit of \$0.9 million.

### Income

Total income for 2011–2012 was \$243.6 million and expenditure was \$244.7 million.

Funding from the NSW Government was \$113.3 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$61.6 million.

Funding from other sources includes \$44.8 million from the Public Purpose Fund, \$14.2 million from Other Grants Received, \$4.3 million from Interest, and \$5.4 million from Other.

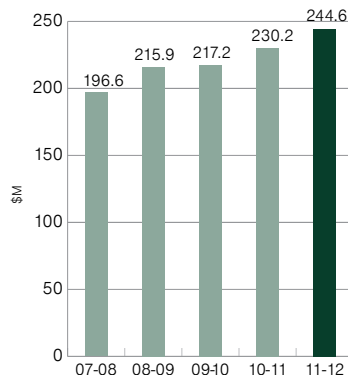
### Expenses

Our major expenses were:

- employee related expenses of \$91.2 million (\$82.8 million in 2010–2011); and
- payments to private lawyers of \$100.3 million (\$96.4 million in 2010–2011).

Total expenses for Legal Aid NSW are estimated at \$243.4 million in 2012–13, an increase of 0.7% on the 2011–2012 budget.

TOTAL EXPENSES (\$M)  
5 YEAR TREND

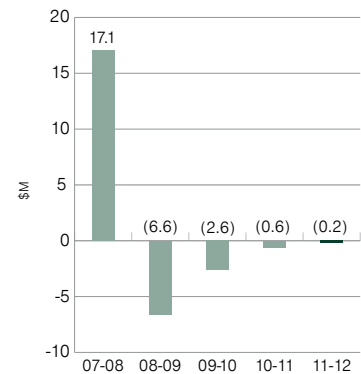


The increase mainly relates to the increase in Employee Related Expenses (ERE) of \$3.447 million, partially offset by the reduction in Grants and Subsidies.

The increase in ERE is primarily made up of escalation (\$2.266 million), full year funding for new programs, new funding from the Public Purpose Fund for the Financial Hardship and Mortgage Stress Program and carry-over funding for the *Keep Them Safe* (KTS)—State Alternative Dispute Resolution Program.

The reduction in Grants and Subsidies relates to Community Legal Centre Grants funded by the Public Purpose Fund to the Environmental Defenders’ Office (EDO) and the Public Interest Advocacy Centre (PIAC). EDO and PIAC will directly invoice the Public Purpose Fund, beginning in the 2012–2013 financial year.

SURPLUS/DEFICIT (\$M)  
5 YEAR TREND



### Budget outline 2012–2013

Operating Statement		(\$M)
Revenue (including government contributions)	242.7	
Expenditure	243.4	
Other Gains/Losses	-0.2	
Net Result	-0.9	
Balance Sheet		(\$M)
Current Assets	80.7	
Non Current Assets	16.7	
Total Assets	97.4	
Current Liabilities	59.0	
Non Current Liabilities	4.3	
Total Liabilities	63.3	
Net Assets	34.1	
Equity	34.1	

LEGAL AID COMMISSION OF NSW

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The Legal Aid Commission of NSW (Legal Aid NSW) economic entity consists of two separate reporting entities; being the Legal Aid Commission (a statutory corporation) and the Office of the Legal Aid Commission (a Government Department).

The Office of the Legal Aid Commission provides personnel services to the Legal Aid Commission (statutory corporation).

**STATEMENT BY MEMBERS OF THE BOARD**

**LEGAL AID COMMISSION OF NEW SOUTH WALES**

**Statement by Members of the Board**

Pursuant to Section 41C(1B) of the *Public Finance and Audit Act 1983*, and in accordance with a resolution of the Board of the Legal Aid Commission of NSW, we declare on behalf of the Legal Aid Commission of NSW that in our opinion:

1. The financial statements have been prepared in accordance with the requirements of the *Public Finance and Audit Act 1983* and Regulation, Financial Reporting Directions published in the Code for Budget Dependent Government Sector Agencies or issued by the Treasurer, and applicable Australian Accounting Standards (which include Australian Accounting Interpretations).
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 2012 and transactions for the year then ended.
3. There are no circumstances that render any particulars included in the financial statements to be misleading or inaccurate.



Hon Peter Collins AM QC  
Chair



Bill Grant  
Chief Executive Officer



## INDEPENDENT AUDITOR'S REPORT



### 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 Legal Aid Commission of New South Wales (the Commission), which comprise the statements of financial position as at 30 June 2012, the statements of comprehensive income, the statements of changes in equity and the statements of cash flows, service group statements and a summary of compliance with financial directives for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information of 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.

#### Opinion

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Commission and the consolidated entity as at 30 June 2012, and of their financial performance and cash flows for the year then ended in accordance with Australian Accounting Standards
- are in accordance with section 41B of *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 Board's Responsibility for the Financial Statements

The members of the Board are responsible for the preparation of the financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the members of the Board determine is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

#### 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. Those standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about 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 entity's preparation of the financial statements that give a true and fair view 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 control. 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.

### INDEPENDENT AUDITOR'S REPORT

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 internal control
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information, that may have been hyperlinked to/from the financial statements
- about the assumptions used in formulating the budget figures disclosed in the financial statements.

#### Independence

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and other relevant ethical pronouncements. 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.



Jack Kheir  
Director, Financial Audit Services

2 October 2012  
SYDNEY

## STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2012

	Notes	Actual 2012 \$'000	Consolidated Budget 2012 \$'000	Actual 2011 \$'000	Parent Actual 2012 \$'000	Actual 2011 \$'000
<b>Expenses excluding losses</b>						
Operating expenses						
Employee related	2(a)	91,163	90,222	82,756	313	156
Personnel services	2(a)	-	-	-	118,046	82,233
Other operating expenses	2(b)	21,123	20,016	19,924	21,123	19,924
Depreciation and amortisation	2(c)	5,077	4,500	4,991	5,077	4,991
Grants and subsidies	2(d)	26,655	25,736	25,798	26,655	25,798
Finance costs	2(e)	320	-	314	320	314
Other expenses	2(f)	100,344	101,282	96,432	100,344	96,432
<b>Total Expenses excluding losses</b>		<b>244,682</b>	<b>241,756</b>	<b>230,215</b>	<b>271,878</b>	<b>229,848</b>
<b>Revenue</b>						
Recurrent appropriation	3(a)	-	-	163,766	-	163,766
Capital appropriation	3(b)	-	-	3,600	-	3,600
Sale of goods and services	3(c)	4,990	3,948	3,811	4,990	3,811
Investment revenue	3(d)	4,293	4,195	4,448	4,293	4,448
Grants and contributions	3(e)	233,899	232,451	54,044	233,899	54,044
Other revenue	3(f)	452	462	411	452	411
<b>Total Revenue</b>		<b>243,634</b>	<b>241,056</b>	<b>230,080</b>	<b>243,634</b>	<b>230,080</b>
<b>Gain/(Loss) on Disposal</b>	4	<b>108</b>	<b>-</b>	<b>(93)</b>	<b>108</b>	<b>(93)</b>
<b>Other Gains/(Losses)</b>	5	<b>739</b>	<b>(200)</b>	<b>(357)</b>	<b>739</b>	<b>(357)</b>
<b>Net Result</b>	18	<b>(201)</b>	<b>(900)</b>	<b>(585)</b>	<b>(27,397)</b>	<b>(218)</b>
<b>Other Comprehensive Income</b>						
Net increase/(decrease) in property, plant & equipment asset revaluation surplus		-	-	-	-	-
Net change in the asset revaluation surplus arising from a change in the restoration liability		-	-	-	-	-
Superannuation actuarial gains/(losses)	14	(27,196)	-	367	-	-
<b>Total Other Comprehensive Income</b>		<b>(27,196)</b>	<b>-</b>	<b>367</b>	<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>(27,397)</b>	<b>(900)</b>	<b>(218)</b>	<b>(27,397)</b>	<b>(218)</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2012

	Notes	Consolidated		Parent		
		Actual 2012 \$'000	Budget 2012 \$'000	Actual 2011 \$'000	Actual 2012 \$'000	Actual 2011 \$'000
<b>ASSETS</b>						
<b>Current Assets</b>						
Cash and cash equivalents	7	79,308	76,913	75,605	79,308	75,605
Receivables	8	4,801	4,742	5,384	4,801	5,384
<b>Total Current Assets</b>		<b>84,109</b>	<b>81,655</b>	<b>80,989</b>	<b>84,109</b>	<b>80,989</b>
<b>Non-Current Assets</b>						
Receivables	8	2,221	1,935	2,092	2,221	2,092
Plant and equipment	9	10,040	9,784	9,587	10,040	9,587
Intangible assets	10	4,530	4,838	5,185	4,530	5,185
<b>Total Non-Current Assets</b>		<b>16,791</b>	<b>16,557</b>	<b>16,864</b>	<b>16,791</b>	<b>16,864</b>
<b>Total Assets</b>		<b>100,900</b>	<b>98,212</b>	<b>97,853</b>	<b>100,900</b>	<b>97,853</b>
<b>LIABILITIES</b>						
<b>Current Liabilities</b>						
Payables	11	21,645	19,885	19,650	21,645	19,650
Provisions	12	66,366	39,800	38,067	66,366	38,067
<b>Total Current Liabilities</b>		<b>88,011</b>	<b>59,685</b>	<b>57,717</b>	<b>88,011</b>	<b>57,717</b>
<b>Non-Current Liabilities</b>						
Provisions	12	4,450	1,270	4,334	4,450	4,334
Other	13	54	2,375	20	54	20
<b>Total Non-Current Liabilities</b>		<b>4,504</b>	<b>3,645</b>	<b>4,354</b>	<b>4,504</b>	<b>4,354</b>
<b>Total Liabilities</b>		<b>92,515</b>	<b>63,330</b>	<b>62,071</b>	<b>92,515</b>	<b>62,071</b>
<b>Net Assets</b>		<b>8,385</b>	<b>34,882</b>	<b>35,782</b>	<b>8,385</b>	<b>35,782</b>
<b>EQUITY</b>						
Accumulated Funds		8,385	34,882	35,782	8,385	35,782
<b>Total Equity</b>		<b>8,385</b>	<b>34,882</b>	<b>35,782</b>	<b>8,385</b>	<b>35,782</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2012

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
<b>Balance at 1 July 2011</b>	35,782	-	-	35,782	35,782	-	-	35,782
Changes in accounting policy	-	-	-	-	-	-	-	-
Correction of errors	-	-	-	-	-	-	-	-
<b>Restated total equity at 1 July 2011</b>	35,782	-	-	35,782	35,782	-	-	35,782
<b>Net Result for the year</b>	(201)	-	-	(201)	(27,397)	-	-	(27,397)
<b>Other comprehensive income:</b>								
Net increase/(decrease) in plant and equipment	-	-	-	-	-	-	-	-
Changes in restoration liability	-	-	-	-	-	-	-	-
Superannuation actuarial gains/(losses)	14 (27,196)	-	-	(27,196)	-	-	-	-
<b>Total other comprehensive income</b>	(27,196)	-	-	(27,196)	-	-	-	-
<b>Total comprehensive income for the year</b>	(27,397)	-	-	(27,397)	(27,397)	-	-	(27,397)
<b>Balance at 30 June 2012</b>	<b>8,385</b>	-	-	<b>8,385</b>	<b>8,385</b>	-	-	<b>8,385</b>
<b>Balance at 1 July 2010</b>	36,000	-	-	36,000	36,000	-	-	36,000
Changes in accounting policy	-	-	-	-	-	-	-	-
Correction of errors	-	-	-	-	-	-	-	-
<b>Restated total equity at 1 July 2010</b>	36,000	-	-	36,000	36,000	-	-	36,000
<b>Net Result for the year</b>	(585)	-	-	(585)	(218)	-	-	(218)
<b>Other comprehensive income:</b>								
Net increase/(decrease) in plant and equipment	-	-	-	-	-	-	-	-
Changes in restoration liability	-	-	-	-	-	-	-	-
Superannuation actuarial (losses)/gains	14 367	-	-	367	-	-	-	-
<b>Total other comprehensive income</b>	367	-	-	367	-	-	-	-
<b>Total comprehensive income for the year</b>	(218)	-	-	(218)	(218)	-	-	(218)
<b>Balance at 30 June 2011</b>	<b>35,782</b>	-	-	<b>35,782</b>	<b>35,782</b>	-	-	<b>35,782</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2012

	Notes	Consolidated			Parent	
		Actual 2012 \$'000	Budget 2012 \$'000	Actual 2011 \$'000	Actual 2012 \$'000	Actual 2011 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee related		(89,303)	(88,820)	(83,322)	(313)	(156)
Grants and subsidies		(26,655)	(25,736)	(25,797)	(26,655)	(25,797)
Personnel services		-	-	-	(88,990)	(83,166)
Other		(134,469)	(134,063)	(131,350)	(134,469)	(131,350)
<b>Total Payments</b>		<b>(250,427)</b>	<b>(248,619)</b>	<b>(240,469)</b>	<b>(250,427)</b>	<b>(240,469)</b>
<b>Receipts</b>						
Recurrent appropriation		-	-	163,766	-	163,766
Capital appropriation (excluding equity appropriations)		-	-	3,600	-	3,600
Sale of goods and services		5,045	4,003	3,272	5,045	3,272
Interest received		4,459	4,338	4,306	4,459	4,306
Grants and contributions		248,878	245,936	68,357	248,878	68,357
Other		451	-	396	451	396
<b>Total Receipts</b>		<b>258,833</b>	<b>254,277</b>	<b>243,697</b>	<b>258,833</b>	<b>243,697</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	18	<b>8,406</b>	<b>5,658</b>	<b>3,228</b>	<b>8,406</b>	<b>3,228</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
Proceeds from sale of plant and equipment		130	-	2	130	2
Purchases of plant and equipment		(4,833)	(2,659)	(4,316)	(4,833)	(4,316)
Other		-	(1,691)	-	-	-
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(4,703)</b>	<b>(4,350)</b>	<b>(4,314)</b>	<b>(4,703)</b>	<b>(4,314)</b>
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>						
Capital appropriation - equity appropriation		-	-	-	-	-
<b>NET CASH FLOWS FROM FINANCING ACTIVITIES</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>NET INCREASE/(DECREASE) IN CASH</b>		<b>3,703</b>	<b>1,308</b>	<b>(1,086)</b>	<b>3,703</b>	<b>(1,086)</b>
Opening cash and cash equivalents		75,605	75,605	76,691	75,605	76,691
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	7	<b>79,308</b>	<b>76,913</b>	<b>75,605</b>	<b>79,308</b>	<b>75,605</b>

The accompanying notes form part of these financial statements.

## SUPPLEMENTARY FINANCIAL STATEMENTS

### Service Group Statements for the year ended 30 June 2012

(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	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>Expenses excluding losses</b>												
Operating expenses												
Employee related/personnel services	45,115	41,514	18,640	15,750	25,988	24,260	1,420	1,232	-	-	91,163	82,756
Other operating expenses	9,907	9,411	4,552	3,882	6,147	6,184	517	447	-	-	21,123	19,924
Depreciation and amortisation	2,406	2,403	1,169	888	1,403	1,680	99	20	-	-	5,077	4,991
Grants and subsidies	5	394	380	140	4	45	26,266	25,219	-	-	26,655	25,798
Finance costs	148	159	70	68	102	87	-	-	-	-	320	314
Other Expenses	63,270	55,763	6,379	6,427	30,593	34,242	102	-	-	-	100,344	96,432
<b>Total Expenses excluding losses</b>	<b>120,851</b>	<b>109,644</b>	<b>31,190</b>	<b>27,155</b>	<b>64,237</b>	<b>66,498</b>	<b>28,404</b>	<b>26,918</b>	<b>-</b>	<b>-</b>	<b>244,682</b>	<b>230,215</b>
<b>Revenue**</b>												
Recurrent Appropriations										163,766	-	163,766
Capital Appropriations										3,600	-	3,600
Sale of goods and services	1,836	1,472	2,002	1,154	1,152	1,185	-	-	-	-	4,990	3,811
Investment revenue	2,898	2,959	540	687	855	802	-	-	-	-	4,293	4,448
Grants and contributions	34,891	31,667	8,037	7,413	2,314	2,343	13,745	12,621	174,912	-	233,899	54,044
Other revenue	142	125	176	230	134	56	-	-	-	-	452	411
<b>Total Revenue</b>	<b>39,767</b>	<b>36,223</b>	<b>10,755</b>	<b>9,484</b>	<b>4,455</b>	<b>4,386</b>	<b>13,745</b>	<b>12,621</b>	<b>174,912</b>	<b>167,366</b>	<b>243,634</b>	<b>230,080</b>
Gain/(loss) on disposal	53	(45)	21	(16)	33	(31)	1	(1)	-	-	108	(93)
Other gains/(losses)	419	(333)	147	19	173	(43)	-	-	-	-	739	(357)
<b>Net Result</b>	<b>(80,612)</b>	<b>(73,799)</b>	<b>(20,267)</b>	<b>(17,668)</b>	<b>(59,576)</b>	<b>(62,186)</b>	<b>(14,658)</b>	<b>(14,298)</b>	<b>174,912</b>	<b>167,366</b>	<b>(201)</b>	<b>(585)</b>
<b>Other Comprehensive Income</b>												
Increase/(decrease) in asset revaluation surplus	-	-	-	-	-	-	-	-	-	-	-	-
Other - actuarial gains/(losses)	(13,458)	184	(5,561)	70	(7,753)	108	(424)	5	-	-	(27,196)	367
<b>Total Other Comprehensive Income</b>	<b>(13,458)</b>	<b>184</b>	<b>(5,561)</b>	<b>70</b>	<b>(7,753)</b>	<b>108</b>	<b>(424)</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>(27,196)</b>	<b>367</b>
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>(94,070)</b>	<b>(73,615)</b>	<b>(25,828)</b>	<b>(17,598)</b>	<b>(67,329)</b>	<b>(62,078)</b>	<b>(15,082)</b>	<b>(14,293)</b>	<b>174,912</b>	<b>167,366</b>	<b>(27,397)</b>	<b>(218)</b>

\*The name and purpose of each Service Group is summarised in Note 6.

\*\*Appropriations are made on an agency basis and not to individual Service Groups. Consequently, government contributions must be included in the 'Not Attributable' column. Cluster grant funding is non attributable to individual service groups.

### Service Group Statements for the year ended 30 June 2012

(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	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>Current Assets</b>												
Cash and cash equivalents	-	-	-	-	-	-	-	-	79,308	75,605	79,308	75,605
Receivables	2,405	2,830	1,339	1,285	1,057	1,269	-	-	-	-	4,801	5,384
<b>Total Current Assets</b>	<b>2,405</b>	<b>2,830</b>	<b>1,339</b>	<b>1,285</b>	<b>1,057</b>	<b>1,269</b>	<b>-</b>	<b>-</b>	<b>79,308</b>	<b>75,605</b>	<b>84,109</b>	<b>80,989</b>
<b>Non-Current Assets</b>												
Receivables	1,113	1,099	620	500	488	493	-	-	-	-	2,221	2,092
Plant and equipment	4,969	4,809	2,053	1,825	2,862	2,810	156	143	-	-	10,040	9,587
Intangible assets	2,242	2,601	926	987	1,291	1,520	71	77	-	-	4,530	5,185
<b>Total Non-Current Assets</b>	<b>8,324</b>	<b>8,509</b>	<b>3,599</b>	<b>3,312</b>	<b>4,641</b>	<b>4,823</b>	<b>227</b>	<b>220</b>	<b>-</b>	<b>-</b>	<b>16,791</b>	<b>16,864</b>
<b>TOTAL ASSETS</b>	<b>10,729</b>	<b>11,339</b>	<b>4,939</b>	<b>4,597</b>	<b>5,698</b>	<b>6,092</b>	<b>227</b>	<b>220</b>	<b>79,308</b>	<b>75,605</b>	<b>100,900</b>	<b>97,853</b>
<b>Current Liabilities</b>												
Payables	12,042	10,529	3,010	2,572	6,385	6,383	208	166	-	-	21,645	19,650
Provisions	32,843	19,096	13,570	7,245	18,919	11,159	1,034	567	-	-	66,366	38,067
<b>Total Current Liabilities</b>	<b>44,885</b>	<b>29,625</b>	<b>16,580</b>	<b>9,817</b>	<b>25,304</b>	<b>17,542</b>	<b>1,242</b>	<b>733</b>	<b>-</b>	<b>-</b>	<b>88,011</b>	<b>57,717</b>
<b>Non-Current Liabilities</b>												
Provisions	2,201	2,174	910	825	1,269	1,271	69	64	-	-	4,450	4,334
Other	27	10	11	4	15	6	1	0	-	-	54	20
<b>Total Non-Current Liabilities</b>	<b>2,229</b>	<b>2,184</b>	<b>921</b>	<b>829</b>	<b>1,284</b>	<b>1,277</b>	<b>70</b>	<b>64</b>	<b>-</b>	<b>-</b>	<b>4,504</b>	<b>4,354</b>
<b>TOTAL LIABILITIES</b>	<b>47,114</b>	<b>31,809</b>	<b>17,501</b>	<b>10,646</b>	<b>26,587</b>	<b>18,819</b>	<b>1,312</b>	<b>797</b>	<b>-</b>	<b>-</b>	<b>92,515</b>	<b>62,071</b>
<b>NET ASSETS</b>	<b>(36,384)</b>	<b>(20,470)</b>	<b>(12,563)</b>	<b>(6,049)</b>	<b>(20,890)</b>	<b>(12,727)</b>	<b>(1,086)</b>	<b>(577)</b>	<b>79,308</b>	<b>75,605</b>	<b>8,385</b>	<b>35,782</b>

\*The name and purpose of each Service Group is summarised in Note 6.



## Summary of Compliance with Financial Directives

(The Summary of Compliance with Financial Directives applies to both Parent and Consolidated Entities)

SUPPLEMENTARY FINANCIAL STATEMENTS

	2012				2011			
	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
<b>ORIGINAL BUDGET APPROPRIATION/ EXPENDITURE</b>								
Appropriation Act	-	-	-	153,596	152,388	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	-	-	-	10,003	10,003	-	-	-
	-	-	-	163,599	162,391	3,600	3,600	3,600
<b>OTHER APPROPRIATIONS/ EXPENDITURE</b>								
Treasurer's Advance	-	-	-	975	975	-	-	-
Section 22 - expenditure for certain works and services	-	-	-	-	-	-	-	-
Transfers to/from another agency (s28 of the Appropriation Act)	-	-	-	400	400	-	-	-
	-	-	-	1,375	1,375	-	-	-
<b>Total Appropriations/Expenditure/Net Claim on Consolidated Fund (includes transfer payments)</b>	-	-	-	164,974	163,766	3,600	3,600	3,600
<b>Amount drawn down against Appropriation</b>	-	-	-		163,766			3,600
<b>Liability to Consolidated Fund</b>	-	-	-		-			-

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 2012

### 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 statements 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.

The consolidated financial statements for the year ended 30 June 2012 were authorised for issue by the Chair and the Chief Executive Officer on 28 September 2012.

#### (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 NSW General Government Sector Entities 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 any activities on behalf of the Crown Entity.

#### (e) Insurance

The Legal Aid Commission of NSW's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for Government entities. The expense (premium) is determined by the Fund Manager based on past experience.

#### (f) Accounting for the Goods and Services Tax (GST)

Income, 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 are 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 entity obtains control over the assets comprising the appropriations/contributions. Control over appropriations and contributions is normally obtained upon the receipt of cash.

An exception to the above is when appropriations are unspent at year-end. In this case, the authority to spend the money lapses and generally the unspent amount must be repaid to the Consolidated Fund in the following financial year. As a result, unspent appropriations are now accounted for as liabilities rather than revenue. The Legal Aid Commission of NSW had no liability to the Consolidated Fund as at 30 June 2012 (2010-2011: \$NIL).

#### (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 the 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*.

The 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, the 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 the 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 9.

Applicable depreciation rates for each class of depreciable assets are listed below:

	%
Computer Equipment	25
Computer Replacement Projects	25
Office Equipment	15
Leasehold Improvements (includes Furniture and Fittings)	10
	<small>Or the term of lease, which-ever is the lesser</small>

**(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**

The 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 15(b).

**(ix) Intangible Assets**

The Legal Aid Commission of NSW recognises intangible assets only if it is probable that future economic benefits will flow to the 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 the Legal Aid Commission of NSW's intangible assets, the assets are carried at cost less any accumulated amortisation. The 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 10.

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

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

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 net result for the year when impaired, derecognised or through the amortisation process.

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 the 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 net result for the year. Any reversals of impairment losses are reversed through the net result for the year where there is objective evidence.

The actuarial firm *Finity Consulting Pty Limited* were engaged to undertake the calculation of the impairment of the "Sales of Goods and Services" component of Receivables for 2011-2012.

### (xii) Trust Funds

The Legal Aid Commission of NSW receives monies in a trustee capacity for trusts as set out in Note 19. 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 the 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 entity 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

The Legal Aid Commission of NSW accrues the estimated net cost of work in progress by external legal practitioners who have not submitted claims to the Legal Aid Commission of NSW at balance date. 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 for 2011-2012.

### (iii) Personnel Services

To enable the 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 2006-2007.

#### (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*. For 2011-2012 long service leave has been calculated using shorthand method techniques, which is to apply an appropriate valuation factor to the aggregate accrued long service leave entitlements. The valuation factor for long service payments assumes a discount rate of 3.0% (2010-2011: 5.25%) and long term salary inflation rate of 3.5% (2010-2011: 4%) per annum.

The superannuation position of the Legal Aid Commission of NSW 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 the 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) & 14.

Actuarial gains and losses are recognised immediately in other comprehensive income in the year in which they occur.

**(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 2.49%, which reflects the current market assessments of the time value of money and the risks specific to the liability.

**(j) Equity and reserves**

**(i) Asset Revaluation Surplus**

The asset revaluation surplus is used to record increments and decrements on the revaluation of non-current assets. This accords with the entity'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) Budgeted amounts**

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period, as adjusted for section 24 of the PFAA where there has been a transfer of functions between departments. Other amendments made to the budget are not reflected in the budgeted amounts.

**(l) 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.

**(m) New Australian Accounting Standards issued but not effective**

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2012 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 9 and AASB 2010-7 regarding financial instruments
- AASB 10 Consolidated Financial Statements
- AASB 11 Joint Arrangements
- AASB 12 Disclosure of Interests in Other Entities
- AASB 13 and AASB 2011-8 regarding fair value measurement
- AASB 119, AASB 2011-10 and AASB 2011-11 regarding employee benefits
- AASB 127 Separate Financial Statements
- AASB 128 Investments in Associates and Joint Ventures
- AASB 1053 and AASB 2010-2 regarding differential reporting
- AASB 2010-8 regarding deferred tax
- AASB 2010-10 regarding removal of fixed dates for first time adopters
- AASB 2011-2 regarding Trans Tasman Convergence – RDR
- AASB 2011-3 regarding orderly adoption of changes to the ABS GFS Manual
- AASB 2011-4 removing individual KMP disclosure requirements.

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.

## 5 Financial statements

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>2 EXPENSES</b>				
<b>(a) Employee related expenses and personnel services</b>				
<b>Employee related expenses</b>				
Salaries and wages (including recreation leave)	75,933	70,785	-	-
Superannuation - defined benefit plans*	(95)	112	-	-
Superannuation - defined contribution plans	5,757	5,163	-	-
Long service leave	3,731	1,671	-	-
Workers' compensation insurance	691	461	-	-
Payroll tax and fringe benefits tax	4,833	4,408	-	-
Agency staff costs	313	156	313	156
<b>Total</b>	<b>91,163</b>	<b>82,756</b>	<b>313</b>	<b>156</b>

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 \$0.230m were capitalised to fixed assets in 2011-2012 (2010-2011:\$0.239m).

\*Refer Note 14. Superannuation actuarial losses of \$27.196m (2010-2011: actuarial gains of \$0.367m) are recognised in the 'Statement of Changes in Equity'. Total superannuation expense, including actuarial gains recognised in the 'Statement of Comprehensive Income' is \$32.858m (2010-2011: \$4.908m).

#### Personnel services

Personnel services provided by the Office of the Legal Aid Commission	-	-	118,046	82,233
<b>Total</b>	<b>-</b>	<b>-</b>	<b>118,046</b>	<b>82,233</b>

#### (b) Other operating expenses

Other operating expenses include the following:				
Operating lease rental expense - minimum lease payments	8,352	7,885	8,352	7,885
Telephone	474	431	474	431
Library resources	832	801	832	801
Consultants	134	502	134	502
Contractors	591	449	591	449
Stationery, stores and provisions	616	498	616	498
Computer running costs	2,472	2,325	2,472	2,325
Printing	765	555	765	555
Records management	677	667	677	667
Travel	1,062	981	1,062	981
Interpreters' fees	440	466	440	466
Postage	581	477	581	477
Cleaning	344	341	344	341
Practicing certificates	315	279	315	279
Electricity and gas	464	400	464	400
Insurance	106	80	106	80
Auditor's remuneration - audit of financial statements	126	131	126	131
Auditor's remuneration - Audit of IAAAS	2	2	2	2
Internal audit and audit of Trust Account	92	109	92	109
Courier and freight	83	72	83	72
Maintenance	596	511	596	511
Other	1,999	1,962	1,999	1,962
<b>Total</b>	<b>21,123</b>	<b>19,924</b>	<b>21,123</b>	<b>19,924</b>

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>(c) Depreciation and amortisation expenses</b>				
<b>Depreciation</b>				
Leasehold Improvements	1,893	1,918	1,893	1,918
Plant and Equipment	1,067	1,110	1,067	1,110
<b>Total</b>	<b>2,960</b>	<b>3,028</b>	<b>2,960</b>	<b>3,028</b>
<b>Amortisation</b>				
Software	2,117	1,963	2,117	1,963
<b>Total</b>	<b>2,117</b>	<b>1,963</b>	<b>2,117</b>	<b>1,963</b>
<b>Total</b>	<b>5,077</b>	<b>4,991</b>	<b>5,077</b>	<b>4,991</b>

Refer Notes 1(h)(v), 1(h)(ix), 9 & 10.

#### **(d) Grants and subsidies**

Domestic Violence Court Assistance Program	7,122	6,807	7,122	6,807
Community Legal Centres	18,917	18,104	18,917	18,104
Cooperative Legal Service Delivery Program	224	238	224	238
Law and Justice Foundation	-	252	-	252
ALS Field Officer Training	272	265	272	265
Legal Pathways Project Funding	-	30	-	30
Refuge Processing Project	25	25	25	25
Homelessness Outreach Project	22	-	22	-
Offshore Asylum Seekers Project	60	-	60	-
Other	13	77	13	77
<b>Total</b>	<b>26,655</b>	<b>25,798</b>	<b>26,655</b>	<b>25,798</b>

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.

#### **(e) Finance costs**

Unwinding of discount rate	320	314	320	314
<b>Total</b>	<b>320</b>	<b>314</b>	<b>320</b>	<b>314</b>

#### **(f) Other expenses**

Solicitor services provided by private practitioners	67,141	66,939	67,141	66,939
Barrister services provided by private practitioners	19,479	16,510	19,479	16,510
Disbursements	13,724	12,983	13,724	12,983
<b>Total</b>	<b>100,344</b>	<b>96,432</b>	<b>100,344</b>	<b>96,432</b>

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) Recurrent Appropriations<sup>1</sup>**

Total recurrent drawdowns from Treasury (per Summary of Compliance)	-	163,766	-	163,766
Less: Liability to Consolidated Fund (per Summary of Compliance)	-	-	-	-
<b>Total</b>	<b>-</b>	<b>163,766</b>	<b>-</b>	<b>163,766</b>

## 5 Financial statements

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
Comprising:				
Recurrent appropriations (per Statement of Comprehensive Income)	-	163,766	-	163,766
<b>Total</b>	<b>-</b>	<b>163,766</b>	<b>-</b>	<b>163,766</b>

#### (b) Capital Appropriations<sup>1</sup>

Total capital drawdowns from Treasury (per Summary of Compliance)	-	3,600	-	3,600
Less: Liability to Consolidated Fund (per Summary of Compliance)	-	-	-	-
<b>Total</b>	<b>-</b>	<b>3,600</b>	<b>-</b>	<b>3,600</b>

Comprising:

Capital appropriations (per Statement of Comprehensive Income)	-	3,600	-	3,600
<b>Total</b>	<b>-</b>	<b>3,600</b>	<b>-</b>	<b>3,600</b>

<sup>1</sup>In 2012 the administrative arrangements regarding the receipt of funds from the State government changed. In 2012 the funding is appropriated to the head cluster agency, in this case, the Department of Attorney General & Justice, who in turn provides the funding to the Legal Aid Commission of NSW as a contribution. Refer 3(e).

#### (c) Sale of goods and services

##### Rendering of services

Criminal Law	1,836	1,472	1,836	1,472
Family Law	1,152	1,185	1,152	1,185
Civil Law	2,002	1,154	2,002	1,154
<b>Total</b>	<b>4,990</b>	<b>3,811</b>	<b>4,990</b>	<b>3,811</b>

#### (d) Investment revenue

Interest on outstanding accounts	93	65	93	65
Interest on cash assets	4,200	4,383	4,200	4,383
<b>Total</b>	<b>4,293</b>	<b>4,448</b>	<b>4,293</b>	<b>4,448</b>

Refer to Notes 1(g)(iii) & 20(b)

#### (e) Grants and contributions

Cluster Agency recurrent contribution <sup>1</sup>	171,312	-	171,312	-
Cluster Agency capital contribution <sup>1</sup>	3,600	-	3,600	-
Law Society Public Purpose Fund <sup>2</sup>	44,761	43,972	44,761	43,972
Commonwealth Government Community Partnerships base grants <sup>3</sup>	8,150	7,095	8,150	7,095
Other grants and contributions <sup>4</sup>	6,076	2,977	6,076	2,977
<b>Total</b>	<b>233,899</b>	<b>54,044</b>	<b>233,899</b>	<b>54,044</b>



	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<p><sup>1</sup>In 2012 the administrative arrangements regarding the receipt of funds from the State government changed. In 2012 the funding is appropriated to the head cluster agency, in this case, the Department of Attorney General &amp; Justice, who in turn provides the funding to the Legal Aid Commission of NSW as a contribution. Refer 3(a) &amp; 3(b)</p> <p><sup>2</sup>This fund provided a grant of \$40.072m (\$39.148m in 2010-2011) to provide legal aid services in State matters.</p> <p>Other specific grants from this fund include:</p>				
• Environmental Defenders Office	1,642	1,602	1,642	1,602
• Public Interest Advocacy Centre	1,219	1,189	1,219	1,189
• Children's Court Assistance Scheme	253	247	253	247
• Homeless Persons	560	546	560	546
• Older Persons Legal Service	646	630	646	630
• Intellectual Disability Service Improvement	-	250	-	250
• Aboriginal Legal Access Program	369	360	369	360
<b>Total</b>	<b>4,689</b>	<b>4,824</b>	<b>4,689</b>	<b>4,824</b>
<p><sup>3</sup> \$7.475m in Community Partnerships base grants plus additional one off Community Partnerships funding of \$0.675m, totalling \$8.150m (2010-2011: \$7.095m), received from the Commonwealth Government were earmarked for distribution to various Community Legal Centres. The amount of the grant to individual Community Legal Centres is determined by the Commonwealth.</p> <p><sup>4</sup>Other Grants and contributions include:</p>				
• Part of the Commonwealth Government Community Partnerships base grants used to meet administrative costs	108	106	108	106
• State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service	189	184	189	184
• State Attorney General's Department Youth Drug Court	117	114	117	114
• State Attorney General's Department - Video Conferencing Facilities	156	215	156	215
• Commonwealth Government special funding for expensive criminal cases	4,273	1,731	4,273	1,731
• State Attorney General's Department Compulsory Drug Treatment Correction Centre	-	107	-	107
• State Attorney General's Department for Joined Up Justice Project	485	264	485	264
• Homelessness Action Plan	718	150	718	150
• Care & Protection "Keep Them Safe" Action Plan	-	84	-	84
• Other	30	22	30	22
<b>Total</b>	<b>6,076</b>	<b>2,977</b>	<b>6,076</b>	<b>2,977</b>
<b>(f) Other revenue</b>				
Miscellaneous	452	411	452	411
<b>Total</b>	<b>452</b>	<b>411</b>	<b>452</b>	<b>411</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>4 GAIN/(LOSS) ON DISPOSAL</b>				
Gain/(Loss) on disposal of plant and equipment				
Proceeds from disposal	130	2	130	2
Less: Written down value of assets disposed	22	95	22	95
<b>Total</b>	<b>108</b>	<b>(93)</b>	<b>108</b>	<b>(93)</b>
<b>5 OTHER GAINS/(LOSSES)</b>				
Impairment gain/(loss) on receivables	123	(357)	123	(357)
Gain/(loss) on make good provision	616	-	616	-
<b>Total</b>	<b>739</b>	<b>(357)</b>	<b>739</b>	<b>(357)</b>

### 6 SERVICE GROUPS/ACTIVITIES OF LEGAL AID NSW

#### Service Group 1 - Criminal Law Services

This service group covers the provision of legal assistance and counsel to those facing criminal charges.

#### Service Group 2 - Civil Law Services

This service group covers the provision of law services to clients who require advice on matters such as housing, consumer and human rights law, with a strong emphasis on protection of legal rights in disadvantaged communities.

#### Service Group 3 - Family Law Services

This service group covers the provision of assistance to families in dispute over areas such as separation, 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.

### 7 CURRENT ASSETS - CASH AND CASH EQUIVALENTS

Cash at bank and on hand	4,308	3,246	4,308	3,246
Short term deposits	75,000	72,359	75,000	72,359
<b>Total Cash</b>	<b>79,308</b>	<b>75,605</b>	<b>79,308</b>	<b>75,605</b>

For the purposes of the Statement of Cash Flows, cash and cash equivalents include cash on hand, cash at bank and short term deposits.

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
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)	79,308	75,605	79,308	75,605
<b>Closing cash and cash equivalents (per Statement of Cash Flows)</b>	<b>79,308</b>	<b>75,605</b>	<b>79,308</b>	<b>75,605</b>

Refer Note 20 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 \$0.061m (2010-2011: \$0.014m), which is the total of the credit limit for all issued credit cards. The balance in this facility is cleared monthly.

## 8 CURRENT/NON-CURRENT ASSETS - RECEIVABLES

### Current

Sale of goods and services	1,411	1,743	1,411	1,743
Less: Allowance for impairment	258	493	258	493
	1,153	1,250	1,153	1,250
Other debtors	367	490	367	490
GST recoverable from Australian Taxation Office	2,934	2,960	2,934	2,960
Prepayments	347	684	347	684
<b>Total Current</b>	<b>4,801</b>	<b>5,384</b>	<b>4,801</b>	<b>5,384</b>

### Non-Current

Sale of goods and services	2,375	2,600	2,375	2,600
Less: Allowance for impairment	154	508	154	508
<b>Total Non-Current</b>	<b>2,221</b>	<b>2,092</b>	<b>2,221</b>	<b>2,092</b>

### Movement in the allowance for impairment

Balance at 1 July	1,001	1,050	1,001	1,050
Amounts written off during the year	(465)	(407)	(465)	(407)
Amounts recovered during the year	(16)	(56)	(16)	(56)
Increase/(decrease) in allowance	(108)	414	(108)	414
Balance at 30 June	<b>412</b>	<b>1,001</b>	<b>412</b>	<b>1,001</b>

Details regarding credit risk, liquidity risk and market risk, including financial assets that are either past due or impaired, are disclosed in Note 20.

Receivables from the sale of goods and services (both current and non-current) in the amount of \$2.134m (2010-2011: \$2.172m) are secured by way of caveat.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>9 NON-CURRENT ASSETS - PLANT AND EQUIPMENT</b>				
<b>At 1 July - fair value</b>				
Gross Carrying Amount	25,001	23,300	25,001	23,300
Less: Accumulated depreciation and impairment	15,414	12,981	15,414	12,981
<b>Net Carrying Amount at Fair Value</b>	<b>9,587</b>	<b>10,319</b>	<b>9,587</b>	<b>10,319</b>

<b>At 30 June - fair value</b>				
Gross Carrying Amount	26,861	25,001	26,861	25,001
Less: Accumulated depreciation and impairment	16,821	15,414	16,821	15,414
<b>Net Carrying Amount at Fair Value</b>	<b>10,040</b>	<b>9,587</b>	<b>10,040</b>	<b>9,587</b>

### 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.

<b>Net carrying amount at start of year</b>	<b>9,587</b>	<b>10,319</b>	<b>9,587</b>	<b>10,319</b>
Additions	3,520	2,391	3,520	2,391
Disposals	(107)	(95)	(107)	(95)
Depreciation expense	(2,960)	(3,028)	(2,960)	(3,028)
<b>Net carrying amount at end of year</b>	<b>10,040</b>	<b>9,587</b>	<b>10,040</b>	<b>9,587</b>

Refer Notes 1(h) & 2(c).

## 10 INTANGIBLE ASSETS

<b>At 1 July - fair value</b>				
Cost (gross carrying amount)	9,959	8,022	9,959	8,022
Less: Accumulated amortisation and impairment	4,774	2,811	4,774	2,811
<b>Net Carrying Amount at Fair Value</b>	<b>5,185</b>	<b>5,211</b>	<b>5,185</b>	<b>5,211</b>

<b>At 30 June - fair value</b>				
Cost (gross carrying amount)	11,255	9,959	11,255	9,959
Less: Accumulated amortisation and impairment	6,725	4,774	6,725	4,774
<b>Net Carrying Amount at Fair Value</b>	<b>4,530</b>	<b>5,185</b>	<b>4,530</b>	<b>5,185</b>

### Reconciliation

A reconciliation of the carrying amounts of intangible assets at the beginning and end of the current reporting period is set out below.

<b>Net carrying amount at start of year</b>	<b>5,185</b>	<b>5,211</b>	<b>5,185</b>	<b>5,211</b>
Additions (from internal development)	797	1,624	797	1,624
Additions (acquired separately)	665	313	665	313
Disposals	-	-	-	-
Amortisation (recognised in "depreciation and amortisation")	(2,117)	(1,963)	(2,117)	(1,963)
<b>Net carrying amount at end of year</b>	<b>4,530</b>	<b>5,185</b>	<b>4,530</b>	<b>5,185</b>

Refer Notes 1(h) & 2(c).

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>11 CURRENT LIABILITIES - PAYABLES</b>				
Accrued salaries, wages and on-costs	2,231	1,824	-	-
Office of the Legal Aid Commission - accrued salaries, wages and on-costs	-	-	2,231	1,824
Creditors - Legal	121	531	121	531
Creditors - Administrative	3,413	2,617	3,413	2,617
Accrual of estimated legal expenses <sup>1</sup>	15,880	14,678	15,880	14,678
<b>Total</b>	<b>21,645</b>	<b>19,650</b>	<b>21,645</b>	<b>19,650</b>
<sup>1</sup> Being accrual of the estimated net cost of work in progress by external legal practitioners who have not submitted claims to the Legal Aid Commission of NSW at the end of the reporting period. Refer to Notes 1(i)(ii) & 2(f).				
<b>12 CURRENT/NON-CURRENT LIABILITIES - PROVISIONS</b>				
<b>Current</b>				
<b>Employee benefits and related on-costs</b>				
Provision for recreation leave to be taken within 12 months	6,868	6,018	-	-
Provision for recreation leave to be taken after 12 months	946	988	-	-
Provision for long service leave to be taken within 12 months	1,993	1,460	-	-
Provision for long service leave to be taken after 12 months	12,265	11,180	-	-
Provision for related on-costs	3,605	3,179	-	-
Superannuation Liability (Refer Note 14)	40,689	15,242	-	-
Payable to the Office of the Legal Aid Commission - Superannuation	-	-	40,689	15,242
Office of the Legal Aid Commission - provision for personnel services	-	-	25,677	22,825
<b>Total Current</b>	<b>66,366</b>	<b>38,067</b>	<b>66,366</b>	<b>38,067</b>
<b>Non-Current</b>				
<b>Employee benefits and related on-costs</b>				
Provision for long service leave	1,727	1,421	-	-
Provision for related on-costs	309	250	-	-
Office of the Legal Aid Commission - provision for personnel services	-	-	2,036	1,671
	<b>2,036</b>	<b>1,671</b>	<b>2,036</b>	<b>1,671</b>
<b>Other Provisions</b>				
Restoration costs <sup>1</sup>	2,414	2,663	2,414	2,663
	<b>2,414</b>	<b>2,663</b>	<b>2,414</b>	<b>2,663</b>

<sup>1</sup>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.

## 5 Financial statements

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>Total Provisions</b>	<b>4,450</b>	<b>4,334</b>	<b>4,450</b>	<b>4,334</b>
<b>Aggregate employee benefits and related on-costs</b>				
Provisions - current	66,366	38,067	-	-
Provisions - non-current	2,036	1,671	-	-
Accrued salaries, wages and on-costs (Note 11)	2,231	1,824	-	-
	<b>70,633</b>	<b>41,562</b>	<b>-</b>	<b>-</b>
<b>Movements in provisions (other than employee benefits)</b>				
<b>Carrying amount at start of financial year</b>	<b>2,663</b>	<b>2,349</b>	<b>2,663</b>	<b>2,349</b>
Additional provisions recognised	148	-	148	-
Amounts used	(18)	-	(18)	-
Unused amounts reversed	(699)	-	(699)	-
Unwinding/change in the discount rate	320	314	320	314
<b>Carrying amount at end of financial year</b>	<b>2,414</b>	<b>2,663</b>	<b>2,414</b>	<b>2,663</b>
<b>13 NON-CURRENT LIABILITY - OTHER</b>				
Lease incentive liability	54	20	54	20
<b>Total Non Current Liability - Other</b>	<b>54</b>	<b>20</b>	<b>54</b>	<b>20</b>

#### 14 SUPERANNUATION FUND INFORMATION

The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:

- State Authorities Superannuation Scheme (SASS)
- Superannuation Scheme (SASS)
- Police Superannuation Scheme (PSS).
- 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.

The following information has been prepared by the Scheme actuary.

#### 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>	87,046	83,774	87,046	83,774
Current service cost	1,484	1,516	1,484	1,516
Interest cost	4,483	4,241	4,483	4,241
Contributions by Fund participants	861	887	861	887
Actuarial (gains)/losses	21,015	(46)	21,015	(46)
Benefits paid	(4,397)	(3,326)	(4,397)	(3,326)
<i>Present value of partly funded defined benefit obligations at end of the year</i>	<b>110,492</b>	<b>87,046</b>	<b>110,492</b>	<b>87,046</b>

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>Reconciliation of the fair value of Fund assets</b>				
<i>Fair value of Fund assets at beginning of the year</i>	71,804	66,479	71,804	66,479
Expected return on fund assets	6,062	5,645	6,062	5,645
Actuarial gains/(losses)	(6,181)	321	(6,181)	321
Employer contributions	1,653	1,798	1,653	1,798
Contributions by Fund participants	861	887	861	887
Benefits paid	(4,397)	(3,326)	(4,397)	(3,326)
<i>Fair value of Fund assets at end of the year</i>	<b>69,802</b>	<b>71,804</b>	<b>69,802</b>	<b>71,804</b>
<b>Reconciliation of the assets and liabilities recognised in the Statement of Financial Position</b>				
Present value of partly funded defined benefit obligation at end of year	110,492	87,046	110,492	87,046
Fair value of Fund assets at end of year	(69,802)	(71,804)	(69,802)	(71,804)
<i>Subtotal</i>	<b>40,690</b>	<b>15,242</b>	<b>40,690</b>	<b>15,242</b>
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>	<b>40,690</b>	<b>15,242</b>	<b>40,690</b>	<b>15,242</b>
<b>Expense recognised in the Statement of Comprehensive Income</b>				
<b>Components Recognised in the Statement of Comprehensive Income</b>				
Current service cost	1,484	1,516	1,484	1,516
Interest cost	4,483	4,241	4,483	4,241
Expected return on Fund assets (net of expenses)	(6,062)	(5,645)	(6,062)	(5,645)
Actuarial losses/(gains) recognised in year	-	-	-	-
Past service cost	-	-	-	-
Movement in adjustment for limitation on net asset	-	-	-	-
Curtailment or settlement losses/(gains)	-	-	-	-
<b>Expense/(income) recognised</b>	<b>(95)</b>	<b>112</b>	<b>(95)</b>	<b>112</b>
<b>Amounts recognised in Other Comprehensive Income</b>				
Actuarial (gains)/losses	27,196	(367)	27,196	(367)
Adjustment for limit on net asset	-	-	-	-
	<b>27,196</b>	<b>(367)</b>	<b>27,196</b>	<b>(367)</b>
<b>Superannuation Position for AASB 119 purposes</b>				
Accrued liability	110,492	87,046	110,492	87,046
Estimated reserve account balance	(69,802)	(71,804)	(69,802)	(71,804)
	<b>40,690</b>	<b>15,242</b>	<b>40,690</b>	<b>15,242</b>
Future Service Liability <sup>1</sup>	<b>(8,587)</b>	<b>(9,929)</b>	<b>(8,587)</b>	<b>(9,929)</b>
Surplus in excess of recovery available from schemes	-	-	-	-
<b>Net (asset)/liability to be recognised in the Statement of Financial Position</b>	<b>40,690</b>	<b>15,242</b>	<b>40,690</b>	<b>15,242</b>

## 5 Financial statements

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	2012	2011	2010	2009	2008
	\$'000	\$'000	\$'000	\$'000	\$'000

<sup>1</sup>The 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.

#### Cumulative amount recognised in other comprehensive income

Actuarial (gains)/losses	27,196	(367)	4,891	20,259	8,437
Movement in adjustment for limitation on net asset	-	-	-	-	-
	27,196	(367)	4,891	20,259	8,437
<b>Cumulative (gains)/losses recognised</b>	<b>45,370</b>	<b>18,174</b>	<b>18,541</b>	<b>13,650</b>	<b>(6,609)</b>

The superannuation expense recognised in the Statement of Comprehensive Income is included in the line item 'employee related expenses'. Superannuation actuarial loss of \$27.196m (2010-2011: actuarial gains of \$0.367m) are separately identified in the 'Statement of Comprehensive Income'.

Before 1 July 2004 and the adoption of International Financial Reporting Standards, 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.

#### Fund assets

The percentage invested in each asset class at the balance sheet dates:

	2012	2011
Australian equities	28.0%	33.4%
Overseas equities	23.7%	29.5%
Australian fixed interest securities	4.9%	5.7%
Overseas fixed interest securities	2.4%	3.1%
Property	8.6%	9.9%
Cash	19.5%	5.1%
Other	12.9%	13.3%

#### Fair value of Fund assets

All Fund assets are invested by SAS Trustee Corporation (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.



	2012 \$'000	2011 \$'000
<b>Actual return on Fund assets</b>	71	5,367

**Valuation method and principal actuarial assumptions at the balance sheet date**

(i) Valuation Method

The Projected Unit Credit (PUC) valuation method was used to determine the present value of the defined benefit obligations and the related current service costs. This method sees each period of service as giving rise to an additional unit of benefit entitlement and measures each unit separately to build up the final obligation.

(ii) Economic Assumptions

Salary increase rate (excluding promotional increases)	2.50%	3.50%
Rate of CPI increase	2.50%	2.50%
Expected rate of return on assets	8.60%	8.60%
Discount rate	3.06%	5.28%

(iii) Demographic Assumptions

The demographic assumptions at 30 June 2012 are those used in the 2009 triennial actuarial valuation plus an additional allowance for staff reductions consistent with the Labour Expense Cap advised in the 2012-13 Budget. The triennial review report is available from the NSW Treasury website.

	2012 \$'000	2011 \$'000	2010 \$'000	2009 \$'000	2008 \$'000
<b>Historical information</b>					
Present value of defined benefit obligation	110,492	87,046	83,774	74,669	63,005
Fair value of Fund assets	(69,802)	(71,804)	(66,479)	(60,910)	(67,710)
(Surplus)/Deficit in Fund	40,690	15,242	17,295	13,759	(4,705)
Experience adjustments–Fund liabilities	21,015	(46)	5,634	5,545	(1,601)
Experience adjustments–Fund assets	6,181	(321)	(743)	11,714	10,038

**Expected contributions**

Expected employer contributions to be paid in the next reporting period	1,762	1,809
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**Arrangements for Employer Contributions:**

**(a) Contribution recommendations**

	SASS Multiple of member contributions	SANCS % member salary	SSS Multiple of member contributions
Recommended contribution rates for the year ending:			
30 June 2012	1.90	2.50	1.60
30 June 2011	1.90	2.50	1.60

**Members Numbers 2012**

Contributors	75	104	29
Deferred benefits	-	-	7
Pensioners	-	-	44
Pensions fully commuted	-	-	13

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	SASS Multiple of member contributions	SANCS % member salary	SSS Multiple of member contributions
<b>Members Numbers 2011</b>			
Contributors	79	112	33
Deferred benefits	-	-	8
Pensioners	-	-	40
Pensions fully commuted	-	-	13

### (b) Economic assumptions

The economic assumptions adopted for the 2009 actuarial review of the Fund were:

#### Weighted - Average Assumptions

Expected rate of return on Fund assets backing current pension liabilities	8.30%
Expected rate of return on Fund assets backing other liabilities	7.30%
Expected salary increase rate	4.00%
Expected rate of CPI increase	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).

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>15 COMMITMENTS FOR EXPENDITURE</b>				
<b>(a) Capital Commitments</b>				
Aggregate capital expenditure contracted for at balance date and not provided for:				
Not later than one year	521	890	521	890
<b>Total (including GST)</b>	<b>521</b>	<b>890</b>	<b>521</b>	<b>890</b>
<b>(b) Operating Lease Commitments</b>				
Future non-cancellable operating lease rentals not provided for and payable:				
Not later than one year	9,209	9,028	9,209	9,028
Later than one year and not later than 5 years	33,598	9,139	33,598	9,139
Later than 5 years	1,744	560	1,744	560
<b>Total (including GST)</b>	<b>44,551</b>	<b>18,727</b>	<b>44,551</b>	<b>18,727</b>

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) above include input tax credits of \$4.097m (2010-2011:\$1.702m) that are expected to be recoverable from the Australian Taxation Office.

## **16 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 \$3,000 (2010-2011: \$62,095).

## **17 BUDGET REVIEW**

### **Net Result**

The actual Net Result was lower than budget by \$0.7m.

This consisted of higher than budget revenues of \$2.6m primarily found in Sale of Goods and Services (\$1.0m) and Grants and Contributions (\$1.4m)

Expenses were higher than budget by \$2.9m, due to higher Grants and Subsidy payments (\$0.9m), Depreciation (\$0.6m), Employee Related Expenses (\$0.9m) and Other Operating Expenses (\$1.1m). These were partially offset by savings in Other Expenses (Legal costs) \$0.9m below budget.

### **Assets and Liabilities**

Current assets were \$2.5m higher than budget primarily due to a higher than expected cash balance, to offset the increase in Current Liabilities.

Non-Current assets are higher than budget by \$0.2m due mainly to increases in Receivables (\$0.3m).

Current Liabilities are \$28.3m higher than budget most notably as a result of the adjustment of Superannuation Liability (\$25.4m).

Non-Current liabilities are \$0.9m higher than budget.

### **Cash Flows**

Net Cash Flows from Operating Activities were \$2.8m higher than budget.

Total Payments were higher than budget by \$1.8m, comprising Employee related costs (\$0.5m), Grants (\$0.9m) and Other Payments (\$0.4m).

Cash Flow receipts were higher than budget by \$4.6m mainly due to Grants and Contributions (\$2.9m) and Sale of Goods and Services (\$1.0m).

Net Cash Flows from Investing Activities were \$0.4m higher than budget.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>18 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO NET RESULT</b>				
Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income				
Net cash generated/(used) on operating activities	8,406	3,228	8,406	3,228
Depreciation and amortisation	(5,077)	(4,991)	(5,077)	(4,991)
Decrease/(increase) in provisions	(28,415)	1,127	(28,415)	1,127
Decrease/(increase) in other liabilities	(34)	6	(34)	6
Decrease/(increase) in creditors	(1,995)	(196)	(1,995)	(196)
Actuarial (gains)/losses on superannuation	27,196	(367)	-	-
Increase/(decrease) in prepayments and other assets	(454)	701	(454)	701
Net Gain/(Loss) on disposal of plant and equipment	108	(93)	108	(93)
Net Gain/(Loss) on other	64	-	64	-
<b>Net Result</b>	<b>(201)</b>	<b>(585)</b>	<b>(27,397)</b>	<b>(218)</b>

### 19 TRUST FUNDS

The Legal Aid Commission of NSW administers, but does not control the funds in the following trust:

#### Legal Aid Commission Trust Account<sup>1</sup>

Cash balance at the beginning of the financial year	1,090	959
Add: Receipts	2,480	2,342
Less: Expenditure	2,685	2,211
<b>Cash balance at the end of the financial year</b>	<b>885</b>	<b>1,090</b>

As the 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).

<sup>1</sup>Pursuant to Section 64A of the *Legal Aid Commission Act 1979*, a Legal Aid Commission Trust Account is maintained for verdict and settlement moneys held on behalf of legally aided persons represented by Commission in-house practitioners. The Legal Aid Commission of NSW may recover some costs upon finalisation of these matters.

### 20 FINANCIAL INSTRUMENTS

The principal financial instruments of the Legal Aid Commission of NSW are outlined below. These financial instruments arise directly from the operations of the Legal Aid Commission of NSW or are required to finance the operations of the Legal Aid Commission of NSW. The Legal Aid Commission of NSW does not enter into or trade financial instruments, including derivative financial instruments, for speculative purposes.

The main risks arising from financial instruments for the Legal Aid Commission of NSW are outlined below, together with the objectives of the Legal Aid Commission of NSW, 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 the 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 2012 \$'000	Carrying Amount 2011 \$'000
<b>Financial Assets</b>				
<b>Class:</b>				
Cash & Cash equivalents	7	n/a	79,308	75,605
Receivables <sup>1</sup>	8	Receivables (at amortised cost)	3,741	3,834
<b>Financial Liabilities</b>				
<b>Class:</b>				
Payables <sup>2</sup>	11	Financial	19,890	18,078

<sup>1</sup>Excludes statutory receivables and prepayments (i.e. not within scope of AASB 7)

<sup>2</sup>Excludes statutory payables and unearned revenue (i.e. not within scope of AASB7)

#### (b) Credit Risk

Credit risk arises when there is the possibility of the debtors of the Legal Aid Commission of NSW defaulting on their contractual obligations, resulting in a financial loss to the 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).

Credit risk arises from the financial assets of the Legal Aid Commission of NSW, including cash, receivables and authority deposits. The Legal Aid Commission of NSW has secured a portion of its receivables by way of caveat. The Legal Aid Commission of NSW has not granted any financial guarantees.

Credit risk associated with the financial assets of the Legal Aid Commission of NSW, 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 the 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 7. The average rate of interest earned on bank accounts was 4.34% (2010-2011: 4.56%)

#### 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 the 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*)  
01/07/2011 - 31/12/2011 - 5.38%  
01/01/2012 - 30/06/2012 - 5.13%
- Local Court judgements (Section 101 of *Civil Procedure Act* 2005)  
01/07/2011 - 31/12/2011 - 10.75%  
01/01/2012 - 30/06/2012 - 10.25%
- Family Court judgements (Section 117B of *Family Law Act*)  
01/07/2011 - 31/12/2011 - 10.75%  
01/01/2012 - 30/06/2012 - 10.25%

Based on past experience, debtors that are not past due (2012: \$0.323m; 2011: \$0.264m) and not less than 1 month past due (2012: \$0.645m; 2011: \$0.978m) are not considered impaired and together these represent 24.79% of the total debtors (2011: 20.24%).

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.

	<b>Total \$'000</b>	<b>Past due but not impaired<sup>1,2</sup> \$'000</b>	<b>Considered impaired<sup>1,2</sup> \$'000</b>
<b>2012</b>			
< 3 months overdue	363	137	226
3 months - 6 months overdue	123	68	55
> 6 months overdue	2,678	439	2,239
<b>2011</b>			
< 3 months overdue	191	176	15
3 months - 6 months overdue	224	94	130
> 6 months overdue	2,742	708	2,034

<sup>1</sup>Each column in the table reports 'gross receivables'

<sup>2</sup>The 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 necessarily reconcile to the receivables total recognised in the Statement of Financial Position.

#### **Authority Deposits**

The 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 3.49% (2010-2011:4.79%), while over the year the average interest rate was 4.44% (2010-2011: 4.70%) on a weighted average deposit of \$88.021m (2010-2011: \$87.062m) during the year. None of these assets are past due or impaired.

#### **(c) Liquidity risk**

Liquidity risk is the risk that the Legal Aid Commission of NSW will be unable to meet its payment obligations when they fall due. The exposure of the Legal Aid Commission of NSW 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 NSW TC 11/12. If trade terms are not specified, payment is made within 14 days from the date of the receipt of the invoice. The Legal Aid Commission of NSW did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of the financial liabilities of the Legal Aid Commission of NSW, together with the interest rate exposure.

## 5 Financial statements

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	Consolidated		Parent	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
<b>Maturity analysis and interest rate exposure of financial liabilities:</b>				
Payables:				
Weighted Average Effective Interest Rate	-	-	-	-
Nominal Amount <sup>1</sup>	19,890	18,078	19,890	18,078
Fixed Interest Rate	-	-	-	-
Variable Interest Rate	-	-	-	-
Non-interest bearing	-	-	-	-
Maturity Dates <1 year	19,890	18,078	19,890	18,078
Maturity Dates 1-5 years	-	-	-	-
Maturity Dates > 5 years	-	-	-	-

<sup>1</sup>The 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 exposure to market risk of the Legal Aid Commission of NSW is minimal. The 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 the 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 2011. The analysis assumes that all other variables remain constant.

#### Interest rate risk

The 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. The exposure of the Legal Aid Commission of NSW to interest risk is set out below.



		\$'000			
	Carrying Amount	-1% Profit	Equity	1% Profit	Equity
<b>2012</b>					
<i>Financial assets</i>					
Cash & cash equivalents	79,308	(793)	(793)	793	793
Receivables	3,741	(37)	(37)	37	37
<i>Financial liabilities</i>					
Payables	19,890	(199)	(199)	199	199
<b>2011</b>					
<i>Financial assets</i>					
Cash & cash equivalents	75,605	(756)	(756)	756	756
Receivables	3,834	(38)	(38)	38	38
<i>Financial liabilities</i>					
Payables	18,078	(181)	(181)	181	181

**21 EVENTS AFTER REPORTING PERIOD**

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

END OF AUDITED FINANCIAL STATEMENTS

**OFFICE OF THE LEGAL AID COMMISSION**

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**STATEMENT BY THE CHIEF EXECUTIVE OFFICER****OFFICE OF THE LEGAL AID COMMISSION****Statement by the Chief Executive Officer**

Pursuant to Section 41F(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* and Regulation, applicable Australian Accounting Standards, (which include Australian Accounting Interpretations), and specific directions 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 2012 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.



Bill Grant  
Chief Executive Officer



Clare Hamilton  
Executive Director Finance

## INDEPENDENT AUDITOR'S REPORT



### 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 comprise the statement of financial position as at 30 June 2012, the statement of comprehensive income, statement of changes in equity and statement of cash flows, for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information.

#### Opinion

In my opinion, the financial statements:

- give a true and fair view of the financial position of the Office as at 30 June 2012, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- 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 Board's Responsibility for the Financial Statements

The members of the Board are responsible for the preparation of the financial statements that give a true and fair view in accordance with Australian Accounting Standards and the PF&A Act, and for such internal control as the members of the Board determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### 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. Those Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about 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 control relevant to the Office's preparation of the financial statements that give a true and fair view in order to design audit procedures appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal control. 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.

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 control
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about other information which may have been hyperlinked to/from the financial statements.

### **Independence**

In conducting my audit, I have complied with the independence requirements of the Australian Auditing Standards and other relevant ethical pronouncements. 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 roles by the possibility of losing clients or income.



Jack Kheir  
Director, Financial Audit Services

2 October 2012  
SYDNEY

START OF AUDITED FINANCIAL STATEMENTS

## STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2012

	<u>Notes</u>	<b>Actual 2012 \$'000</b>	<b>Actual 2011 \$'000</b>
<b>Revenue</b>			
Personnel services	3	118,277	82,472
<b>Total Revenue</b>		<u><b>118,277</b></u>	<u><b>82,472</b></u>
Less:			
<b>Expenses</b>			
Employee related	2	91,081	82,839
<b>Total Expenses</b>		<u><b>91,081</b></u>	<u><b>82,839</b></u>
<b>NET RESULT</b>		<u><b>27,196</b></u>	<u><b>(367)</b></u>
<b>Other Comprehensive Income</b>			
Superannuation actuarial gains/(losses)	8	(27,196)	367
<b>Other Comprehensive Income</b>		<u><b>(27,196)</b></u>	<u><b>367</b></u>
<b>TOTAL COMPREHENSIVE INCOME</b>		<u><b>-</b></u>	<u><b>-</b></u>

The accompanying notes form part of these financial statements.

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2012

	Notes	Actual 2012 \$'000	Actual 2011 \$'000
<b>ASSETS</b>			
<b>Current Assets</b>			
Receivables	5	68,597	40,506
<b>Total Current Assets</b>		<b>68,597</b>	<b>40,506</b>
<b>Non-Current Assets</b>			
Receivables	5	2,036	1,056
<b>Total Non-Current Assets</b>		<b>2,036</b>	<b>1,056</b>
<b>Total Assets</b>		<b>70,633</b>	<b>41,562</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	6	2,231	1,824
Provisions	7	66,366	38,067
<b>Total Current Liabilities</b>		<b>68,597</b>	<b>39,891</b>
<b>Non-Current Liabilities</b>			
Provisions	7	2,036	1,671
<b>Total Non-Current Liabilities</b>		<b>2,036</b>	<b>1,671</b>
<b>Total Liabilities</b>		<b>70,633</b>	<b>41,562</b>
<b>Net Assets</b>		<b>-</b>	<b>-</b>
<b>EQUITY</b>			
Accumulated Funds		-	-
<b>Total Equity</b>		<b>-</b>	<b>-</b>

The accompanying notes form part of these financial statements.

**STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED  
30 JUNE 2012**

	Notes	Accumulated Funds \$'000	Asset Revaluation Surplus \$'000	Other Reserves \$'000	Total \$'000
<b>Balance at 1 July 2011</b>		-	-	-	-
Changes in accounting policy		-	-	-	-
Correction of errors		-	-	-	-
<b>Restated total equity at 1 July 2012</b>		-	-	-	-
<b>Net Result</b>		27,196	-	-	27,196
<b>Other comprehensive income:</b>					
Net increase/(decrease) in plant and equipment		-	-	-	-
Changes in restoration liability		-	-	-	-
Superannuation actuarial gains/(losses)	8	(27,196)	-	-	(27,196)
<b>Total other comprehensive income</b>		(27,196)	-	-	(27,196)
<b>Total comprehensive income</b>		-	-	-	-
<b>Balance at 30 June 2012</b>		-	-	-	-
<b>Balance at 1 July 2010</b>		-	-	-	-
Changes in accounting policy		-	-	-	-
Correction of errors		-	-	-	-
<b>Restated total equity at 1 July 2010</b>		-	-	-	-
<b>Net Result</b>		(367)	-	-	(367)
<b>Other comprehensive income:</b>					
Net increase/(decrease) in plant and equipment		-	-	-	-
Changes in restoration liability		-	-	-	-
Superannuation actuarial (losses)/gains	8	367	-	-	367
<b>Total other comprehensive income</b>		367	-	-	367
<b>Total comprehensive income</b>		-	-	-	-
<b>Balance at 30 June 2011</b>		-	-	-	-

The accompanying notes form part of these financial statements.



**STATEMENT OF CASH FLOWS FOR THE YEAR ENDED  
30 JUNE 2012**

	Notes	Actual 2012 \$'000	Actual 2011 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee related		(89,616)	(83,166)
<b>Total Payments</b>		<b>(89,616)</b>	<b>(83,166)</b>
<b>Receipts</b>			
Legal Aid Commission - personnel services		89,616	83,166
<b>Total Receipts</b>		<b>89,616</b>	<b>83,166</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	9	<b>-</b>	<b>-</b>
<b>NET INCREASE IN CASH</b>			
Opening cash and cash equivalents		-	-
<b>CLOSING CASH AND CASH EQUIVALENTS</b>		<b>-</b>	<b>-</b>

The accompanying notes form part of these financial statements.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### 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 28 September 2012.

#### (b) Basis of preparation

The Office'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, and Regulation*, 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

Receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in the active market.

Receivables are recognised initially at fair value, usually based on 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 Net Result for the year when impaired, derecognised or through the amortisation process.

Short-term receivables with no stated interest rate are measured at the original invoice amount where the effect of discounting is immaterial.

An allowance for impairment is established where there is objective evidence that a receivable may not be collectable. The amount of any impairment loss is recognised in the Net Result for the year.

#### (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.

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.

#### (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*. Long service leave is measured at present value in accordance with AASB 119 *Employee Benefits*. For 2011/12 long service leave has been calculated using shorthand method techniques, which is to apply an appropriate valuation factor to the aggregate accrued long service leave entitlements. The valuation factor for long service payments assumes a discount rate of 3.0% (2010-2011: 5.25%) and long term salary inflation rate of 3.5% (2010-2011: 4%).

The 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 the Office'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, 7 & 8.

#### **(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 2012 reporting periods. The following new Accounting Standards and Interpretations have not yet been adopted and are not yet effective:

- AASB 9 and AASB 2010-7 regarding financial instruments
- AASB 10 Consolidated Financial Statements
- AASB 11 Joint Arrangements
- AASB 12 Disclosure of Interests in Other Entities
- AASB 13 and AASB 2011-8 regarding fair value measurement
- AASB 119, AASB 2011-10 and AASB 2011-2011 regarding employee benefits
- AASB 127 Separate Financial Statements
- AASB 128 Investments in Associates and Joint Ventures
- AASB 1053 and AASB 2010-2 regarding differential reporting
- AASB 2010-8 regarding deferred tax
- AASB 2010-10 regarding removal of fixed dates for first time adopters
- AASB 2011-2 regarding Trans Tasman Convergence – RDR
- AASB 2011-3 regarding orderly adoption of changes to the ABS GFS Manual
- AASB 2011-4 removing individual KMP disclosure requirements

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.

## 5 Financial statements

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	2012 \$'000	2011 \$'000
<b>2 EXPENSES</b>		
<b>Employee related expenses</b>		
Salaries and wages (including recreation leave)	76,163	71,024
Superannuation - defined benefit plans *	(95)	112
Superannuation - defined contribution plans	5,758	5,163
Long service leave	3,731	1,671
Workers' compensation insurance	691	461
Payroll tax and fringe benefits tax	4,833	4,408
<b>Total</b>	<b>91,081</b>	<b>82,839</b>

The Office does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,000 (2011-10: \$2,000) are paid on the Office's behalf by the Parent entity, the Legal Aid Commission of New South Wales.

\* Refer Note 8. Superannuation actuarial losses of \$27.196m (2010-2011: actuarial gains of \$0.367m) are recognised in the 'Statement of Changes in Equity'. Total superannuation expense, including actuarial gains recognised in the 'Statement of Comprehensive Income' is \$32.858m (2010-2011: \$4.908m).

### 3 REVENUE

#### Rendering of services

Personnel services revenue	118,277	82,472
<b>Total</b>	<b>118,277</b>	<b>82,472</b>

The Office provides personnel services to the Legal Aid Commission of NSW 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 PROGRAMS/ACTIVITIES OF THE OFFICE

The Office provides personnel services to the Legal Aid Commission of NSW 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.

### 5 CURRENT/NON-CURRENT ASSETS - RECEIVABLES

#### Current

Legal Aid Commission - accrued salaries, wages and on-costs <sup>1</sup>	2,231	1,824
Legal Aid Commission - provision for employee benefits <sup>1</sup>	25,677	23,440
Receivable from the Legal Aid Commission of NSW - Superannuation liability	40,689	15,242
<b>Total Current</b>	<b>68,597</b>	<b>40,506</b>

	<b>2012</b>	<b>2011</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Non-Current</b>		
Legal Aid Commission - provision for employee benefits <sup>1</sup>	2,036	1,056
<b>Total Non-Current</b>	<b>2,036</b>	<b>1,056</b>

<sup>1</sup>All expenses incurred by the Office in providing personnel services to the Legal Aid Commission of NSW 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 7.

## **6 CURRENT LIABILITIES - PAYABLES**

### **Current**

Accrued salaries, wages and on-costs	2,231	1,824
<b>Total Current</b>	<b>2,231</b>	<b>1,824</b>

## **7 CURRENT/NON CURRENT LIABILITIES - PROVISIONS**

### **Current**

#### **Employee benefits and related on-costs**

Provision for recreation leave to be taken within 12 months	6,868	6,018
Provision for recreation leave to be taken after 12 months	946	988
Provision for long service leave to be taken within 12 months	1,993	1,460
Provision for long service leave to be taken after 12 months	12,265	11,180
Provision for related on-costs	3,605	3,179
Superannuation Liability (Refer Note 8)	40,689	15,242
<b>Total Current</b>	<b>66,366</b>	<b>38,067</b>

### **Non-Current**

#### **Employee benefits and related on-costs**

Provision for long service leave	1,727	1,421
Provision for related on-costs	309	250
<b>Total Non-Current</b>	<b>2,036</b>	<b>1,671</b>

### **Aggregate employee benefits and related on-costs**

Provisions - current	66,366	38,067
Provisions - non-current	2,036	1,671
Accrued salaries, wages and on-costs (Note 6)	2,231	1,824
	<b>70,633</b>	<b>41,562</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	2012 \$'000	2011 \$'000
<b>8 SUPERANNUATION FUND INFORMATION</b>		
The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:		
<ul style="list-style-type: none"> <li>• State Authorities Superannuation Scheme (SASS)</li> <li>• State Superannuation Scheme (SSS).</li> <li>• Police Superannuation Scheme (PSS).</li> <li>• State Authorities Non-contributory Superannuation Scheme (SANCS)</li> </ul>		
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.		
The following information has been prepared by the Scheme actuary.		
<b>Reconciliation of the present value of the defined benefit obligation</b>		
<i>Present value of partly funded defined benefit obligations at beginning of the year</i>	87,046	83,774
Current service cost	1,484	1,516
Interest cost	4,483	4,241
Contributions by Fund participants	861	887
Actuarial (gains)/losses	21,015	(46)
Benefits paid	(4,397)	(3,326)
<i>Present value of partly funded defined benefit obligations at end of the year</i>	<b>110,492</b>	<b>87,046</b>
<b>Reconciliation of the fair value of Fund assets</b>		
<i>Fair value of Fund assets at beginning of the year</i>	71,804	66,479
Expected return on fund assets	6,062	5,645
Actuarial gains/(losses)	(6,181)	321
Employer contributions	1,653	1,798
Contributions by Fund participants	861	887
Benefits paid	(4,397)	(3,326)
<i>Fair value of Fund assets at end of the year</i>	<b>69,802</b>	<b>71,804</b>
<b>Reconciliation of the assets and liabilities recognised in the Statement of Financial Position</b>		
Present value of partly funded defined benefit obligation at end of year	110,492	87,046
Fair value of Fund assets at end of year	(69,802)	(71,804)
<i>Subtotal</i>	<b>40,690</b>	<b>15,242</b>
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>	<b>40,690</b>	<b>15,242</b>

	2012 \$'000	2011 \$'000
<b>Expense recognised in the Statement of Comprehensive Income</b>		
<b>Components Recognised in the Statement of Comprehensive Income</b>		
Current service cost	1,484	1,516
Interest cost	4,483	4,241
Expected return on Fund assets (net of expenses)	(6,062)	(5,645)
Actuarial losses/(gains) recognised in year	-	-
Past service cost	-	-
Movement in adjustment for limitation on net asset	-	-
Curtailment or settlement losses/ (gains)	-	-
<b>Expense/(income) recognised</b>	<b>(95)</b>	<b>112</b>
<b>Amounts recognised in Other Comprehensive Income</b>	<b>27,196</b>	<b>(367)</b>
Actuarial (gains)/losses	-	-
Adjustment for limit on net asset	<b>27,196</b>	<b>(367)</b>
<b>Superannuation Position for AASB 119 purposes</b>		
Accrued liability	110,492	87,046
Estimated reserve account balance	(69,802)	(71,804)
	<b>40,690</b>	<b>15,242</b>
Future Service Liability <sup>1</sup>	<b>(8,587)</b>	<b>(9,929)</b>
Surplus in excess of recovery available from schemes	-	-
<b>Net (asset)/liability to be recognised in the Statement of Financial Position</b>	<b>40,690</b>	<b>15,242</b>

<sup>1</sup>The 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.

	2012 \$'000	2011 \$'000	2010 \$'000	2009 \$'000	2008 \$'000
<b>Cumulative amount recognised in other comprehensive income</b>					
Actuarial (gains)/losses	27,196	(367)	4,891	20,259	8,437
Movement in adjustment for limitation on net asset	-	-	-	-	-
	27,196	(367)	4,891	20,259	8,437
<b>Cumulative (gains)/losses recognised</b>	<b>45,370</b>	<b>18,174</b>	<b>18,541</b>	<b>13,650</b>	<b>(6,609)</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

The superannuation expense recognised in the Statement of Comprehensive Income is included in the line item 'employee related expenses'. Superannuation actuarial loss of \$27.196m (2010-2011: actuarial gains of \$0.367m) are separately identified in the 'Statement of Comprehensive Income'.

Before 1 July 2004 and the adoption of International Financial Reporting Standards, 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.

### Fund assets

The percentage invested in each asset class at the balance sheet dates:

	2012	2011
Australian equities	28.0%	33.4%
Overseas equities	23.7%	29.5%
Australian fixed interest securities	4.9%	5.7%
Overseas fixed interest securities	2.4%	3.1%
Property	8.6%	9.9%
Cash	19.5%	5.1%
Other	12.9%	13.3%

### Fair value of Fund assets

All Fund assets are invested by SAS Trustee Corporation (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.

2012 \$'000	2011 \$'000
71	5,367

### Actual return on Fund assets

#### 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.

	2012	2011
(ii) Economic Assumptions		
Salary increase rate (excluding promotional increases)	2.50%	3.50%
Rate of CPI increase	2.50%	2.50%
Expected rate of return on assets	8.60%	8.60%
Discount rate	3.06%	5.28%



	2012 \$'000	2011 \$'000	2010 \$'000	2009 \$'000	2008 \$'000
(iii) Demographic Assumptions					
The demographic assumptions at 30 June 2012 are those used in the 2009 triennial actuarial valuation plus an additional allowance for staff reductions consistent with the Labour Expense Cap advised in the 2012-13 Budget. The triennial review report is available from the NSW Treasury website.					

#### Historical information

Present value of defined benefit obligation	110,492	87,046	83,774	74,669	63,005
Fair value of Fund assets	(69,802)	(71,804)	(66,479)	(60,910)	(67,710)
(Surplus)/Deficit in Fund	40,690	15,242	17,295	13,759	(4,705)
Experience adjustments - Fund liabilities	21,015	(46)	5,634	5,545	(1,601)
Experience adjustments - Fund assets	6,181	(321)	(743)	11,714	10,038

#### Expected contributions

Expected employer contributions to be paid in the next reporting period	1,762	1,809
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#### Arrangements for Employer Contributions:

##### (a) Contribution recommendations

Recommended contribution rates for the year ending:	SASS Multiple of member contributions	SANCS % member salary	SSS Multiple of member contributions
30 June 2012	1.90	2.50	1.60
30 June 2011	1.90	2.50	1.60

#### Members Numbers 2012

Contributors	75	104	29
Deferred benefits	-	-	7
Pensioners	-	-	44
Pensions fully commuted	-	-	13

#### Members Numbers 2011

Contributors	79	112	33
Deferred benefits	-	-	8
Pensioners	-	-	40
Pensions fully commuted	-	-	13

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

### (b) Economic assumptions

The economic assumptions adopted for the 2009 actuarial review of the Fund were:

#### Weighted - Average Assumptions

Expected rate of return on Fund assets backing current pension liabilities	8.30%
Expected rate of return on Fund assets backing other liabilities	7.30%
Expected salary increase rate	4.00%
Expected rate of CPI increase	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.

### 9 RECONCILIATION OF CASH FLOWS FROM OPERATING ACTIVITIES TO THE NET RESULT

Reconciliation of cash flows from operating activities to the net result as reported in the Statement of Comprehensive Income:

	2012 \$'000	2011 \$'000
Net cash from operating activities	-	-
Increase/(decrease) in provisions	28,664	(1,331)
Increase/(decrease) in creditors	407	380
Decrease/(increase) in prepayments and other assets	(29,071)	951
<b>Net Result</b>	<b>-</b>	<b>-</b>

### 10 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Office has no contingent liabilities or assets at 30 June 2012 (2010-2011: nil).

### 11 COMMITMENTS FOR EXPENDITURE

The Office did not have any expenditure commitments in 2011-2012 (2010-2011: nil).

### 12 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.

	Note	Category	Carrying Amount 2012 \$'000	Carrying Amount 2011 \$'000
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**(a) Financial Instrument Categories****Financial Assets****Class:**

Receivables <sup>1</sup>	5	Receivables (at amortised cost)	2,231	1,824
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**Financial Liabilities****Class:**

Payables <sup>2</sup>	6	Financial Liabilities measured at amortised cost	2,231	1,824
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<sup>1</sup>Excludes statutory receivables and prepayments (ie. not within scope of AASB 7)

<sup>2</sup>Excludes statutory payables and unearned revenue (ie. not within scope of AASB7)

**(b) Credit Risk**

Credit risk arises when there is the possibility of the Office's debtors defaulting on their contractual obligations, resulting in a financial loss to the Office. The maximum exposure to credit risk is generally represented by the carrying amount of the financial assets (net of any allowance or impairment).

**(c) Liquidity risk**

Liquidity risk is the risk that the Office will be unable to meet its payment obligations when they fall due. The Office's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods and services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in Treasurer's Direction 219.01. If trade terms are not specified, payment is made within 14 days from the date of the receipt of the invoice. The Office did not incur any penalty interest for late payment of claims.

The table below summarises the maturity profile of the Office's financial liabilities, together with the interest rate exposure.

**Maturity analysis and interest rate exposure of financial liabilities**

Payables:

Weighted Average Effective Interest Rate			
Nominal Amount <sup>1</sup>		2,231	1,824
Fixed Interest Rate		-	-
Variable Interest Rate		-	-
Non-interest bearing		-	-
Maturity Dates <1year		2,231	1,824
Maturity Dates 1-5 years		-	-
Maturity Dates >5 years		-	-

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

<sup>1</sup>The 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.

### 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			
		-1% Profit	Equity	1% Profit	Equity
<b>2012</b>					
<i>Financial assets</i>					
Receivables	2,231	(22)	(22)	22	22
<i>Financial liabilities</i>					
Payables	2,231	(22)	(22)	22	22
<b>2011</b>					
<i>Financial assets</i>					
Receivables	1,824	(18)	(18)	18	18
<i>Financial liabilities</i>					
Payables	1,824	(18)	(18)	18	18

### 13 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 98.73% of invoices received within 30 days during 2011-2012 compared to 97.97% in 2010-2011.

Period	2012		2011	
	Invoices	%	Invoices	%
Within 30 days	128,283	98.73	122,261	97.97
Over 30 days	1,654	1.27	2,532	2.03
<b>Total</b>	<b>129,937</b>	<b>100.00</b>	<b>124,793</b>	<b>100.00</b>

Accounts paid within 30 days by quarter is as follows:

Quarter	Target	Achieved	Amount paid within 30 days	Total amount paid
	%	%	\$'000	\$'000
September	100.0	98.58	45,492	46,146
December	100.0	98.24	36,790	37,450
March	100.0	98.67	37,396	37,899
June	100.0	99.10	37,756	38,098

#### (b) Ageing of creditors

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

Quarter	Current (ie within due date)	Less than 30 days overdue	Between 30 and 60 days overdue	Between 60 and 90 days overdue	More than 90 days overdue
	\$'000	\$'000	\$'000	\$'000	\$'000
September	392	59	40	-	3
December	419	30	-	-	-
March	467	35	-	-	-
June	119	2	-	-	-

### 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.

NSW Treasury Circular 12/03 'Mandatory early close procedures commencing in 2012', required the Commission to complete various early close procedures. This included providing pro-forma financial statements no later than 28 May 2012. The Commission provided pro-forma

financial statements on 19 June 2012, which was 22 days after the due date. Legal Aid NSW accepts that the early close procedure for pro-forma financial statements was not completed in a timely manner and will ensure that this requirement is completed in future years.

#### Overseas Visits

There were no overseas visits made by staff during the year.

## OTHER INFORMATION

### Consultants

	\$'000	Number of Assignments
<b>Engagements equal to or more than \$50,000</b>	0	
<b>Engagements less than \$50,000</b>		
Management Services	36	3
Organisational Review	98	4
<b>Total Consultants</b>	<b>134</b>	

Refer to Note 2(b) in the Financial Report.

### Charitable and Deductible Gift

#### Recipient Institution

Legal Aid NSW is a Charitable Institution and a Deductible Gift Recipient institution under the *Income Tax Assessment Act 1997*. Gifts to Legal Aid NSW of monies or property with a value of \$2, or more, may be claimed by the donor as a tax deduction.

#### Unclaimed Monies

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

#### Risk Management

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

The 2011–2012 deposit premium for worker's compensation insurance increased by 80.2% to \$679,230 (2010–2011 \$376,860) whilst the deposit premium for motor vehicles increased by 42% to \$45,610 (\$32,100 in 2010–2011).

### Motor Vehicle Claims

The number of motor vehicle claims in 2011–2012 was 9 (15 in 2010–2011) which incurred a net cost of \$31,466 (\$59,270 in 2010–2011). The average number of vehicles in the Legal Aid NSW fleet in 2011–2012 was 52 (50 in 2010–2011) which results in an average claim cost per vehicle of \$605 compared to \$1,185 in 2010–2011.

### Worker's Compensation

The number of accepted claims (including claims accepted under provisional liability), increased from 22 in 2010–2011 reporting period to 47 in 2011–2012 (113.6%). The cost incurred to 30 June 2012 of new claims reported in 2011–2012 was \$357,096 compared to \$236,840 in 2010–2011, an increase of \$120,256 or 50.8%.

The accepted claims in this reporting period include 11 fall/slip and seven body stress (e.g. Repetitive Strain Injury) claims amounting to \$19,419 in 2011–2012 or 5.44 per cent of the total cost of claims.

There was an increase in psychological injuries (Post Traumatic Stress Disorder, Anxiety Disorders and Depression) from 9 in the 2010–2011 reporting period to 16 in the current reporting period which incurred \$280,532 or 78.6 per cent of the total cost of claims for 2011–2012.

The number of full time equivalent (FTE) (on average) staff for this financial year is 882.72, an increase of 2.44 from 880.28 in 2010–2011. This equates to an average claim cost of \$404.54 per staff member compared to \$269.05 per staff member in 2010–2011.

### 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 2011–2012 Legal Aid NSW invested its available funds in the NSW Treasury Corporation's 11am Call Account as well their Fixed Term Deposit facility. The average yield for the 11am Call account was 4.30% (4.62% in 2010–2011). The average yield from Fixed Term deposits was 4.57% (4.75% in 2010–2011).

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 4.34% (4.63% in 2010–2011).

Interest on cash assets of \$4.2m was derived from the investment of Legal Aid NSW funds during 2011–2012 compared to \$4.4m in 2010–2011. The variation was due to decreased interest rates.

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## CEO'S PERFORMANCE STATEMENT AND COMMITTEE MEMBERSHIP

The Attorney has indicated his satisfaction with the CEO's performance. This year Bill Grant, CEO of Legal Aid NSW consolidated Legal Aid NSW and continued the expansion of innovative legal services.

### Bill Grant's key achievements in 2011-2012 include:

- Effectively managing the requirement to meet Efficiency Dividends for 2011-2012
- Active Legal Aid NSW participation in the Justice Cluster particularly in relation to corporate service initiatives in Information Technology, Human Resources and Finance
- Driving continued growth in early intervention services and total services in order to achieve the targets set out in clause 20 of the National Partnership Agreement by June 2014
- Overseeing the establishment of a Work and Development Order Service in Orange (commenced May 2012), Nowra (launched in June 2012) and Coffs Harbour (launched in June 2012)
- Delivering an increase in fees paid to private lawyers undertaking legal aid work in Commonwealth matters
- Acting swiftly to establish a team of lawyers to work with Public Defenders to review up to 1,000 retrospective cases, which may be impacted by the decision in *Muldock v The Queen*

- Exerting influence over the framework being developed by the Commonwealth for reviewing the National Partnership Agreement on Legal Assistance Services, through the development of six strategy papers which then lead National Legal Aid discussions with NPA reviewers Allen Consulting Group
- Appointment to the NPA Review Advisory Committee to advise the Commonwealth throughout the process of the NPA review
- Developing strategic responses to increased demand for legal aid services across the criminal justice sector
- Building stronger and more collaborative working relationships with heads of jurisdictions, and leaders across the justice sector
- Continuing the focus on health and wellbeing of staff by addressing workplace stress and improving occupational health and safety across work locations.

### CEO's membership on key committees

#### External Boards and Committees

- Australian Legal Assistance Forum
- LawAccess NSW Board
- Legal Information Access Centre Advisory Board
- NSW Legal Assistance Forum (Chair)
- National Legal Aid
- National Legal Assistance Advisory Board
- National Partnership Agreement Review Advisory Committee

#### Internal Legal Aid NSW Committees

- Aboriginal Justice Committee
- Equity and Diversity Committee
- Domestic and Family Violence Committee
- Peak Consultative Committee



## HUMAN RESOURCES INFORMATION

Central Sydney/Regional FTE staff as at 30 June 2012		FTE staff as at 30 June 2012	
Central Sydney	500.63	CEO/SES	5
Regional Offices	382.09	Legal Officers	437.86
<b>Total Staff FTE</b>	<b>882.72</b>	Legal and Admin Support Staff	439.86
		<b>Total Staff FTE</b>	<b>882.72</b>

### Number of actual staff by employment type

Employment Type	2009-2010	2010-2011	2011-2012
Permanent Full Time	583	584	586
Permanent Part Time	141	154	154
Temporary Full Time	135	167	166
Temporary Part Time	45	61	54
Contract SES	5	6	5
Non - SES	0	0	0
Casual	0	0	0
Other	0	0	0
<b>Total</b>	<b>909</b>	<b>972</b>	<b>965</b>

### Number of actual staff by work area

	3-year comparison		
	2009-2010	2010-2011	2011-2012
Legal officers	435	481	477
Administrative staff	474	491	488
<b>Total</b>	<b>909</b>	<b>972</b>	<b>965</b>

### Number of executive positions

SES Grade	3-year comparison					
	2009-2010		2010-2011		2011-2012	
	Male	Female	Male	Female	Male	Female
Level 6*	1	0	1	0	1	0
Level 4	2	0	1	1	0	1
Level 2	2	0	2	1	2	1
<b>Total</b>	<b>5</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>2</b>

\*Bill Grant, CEO Legal Aid NSW, Annual Remuneration: \$320,650.00

## EEO GROUPS

### Number of actual staff in different EEO groups

	2010-2011	2010-2011	2011-2012
Men	234	241	256
Women	675	731	709
Aboriginal people and Torres Strait Islanders	38	41	41
People from racial, ethnic, ethno-religious minority groups	191	194	193
People whose first language is not English	130	148	145
People with a disability	41	52	52
People with a disability requiring a work-related adjustment	13	20	20
<b>Total</b>	<b>909</b>	<b>972</b>	<b>965</b>

### Parliamentary annual report tables

Table 1: Trends in the representation of EEO groups

EEO Group	Benchmark or target (%)	% of total staff				
		2008	2009	2010	2011	2012
Women	50	74	74	75	76	73
Aboriginal people and Torres Strait Islanders	2.6	3	3	4	5	4
People from racial, ethnic, ethno-religious minority groups	19	15	13	14	20	15
People with a disability	12	5	5	4	6	5
People with a disability requiring a work-related adjustment	1.1 (2011) 1.3 (2012) 1.5 (2013)	1.4	1.2	1.3	3	3

Table 2: Trends in the distribution of EEO groups

EEO Group	Benchmark or target (%)	Distribution Index			
		2009	2010	2011	2012
Women	100	84	86	87	88
Aboriginal people & Torres Strait Islanders	100	79	80	82	82
People whose first language was not English	100	100	101	100	99
People with a disability	100	97	102	96	99
People with a disability requiring a work-related adjustment	100	N/A	N/A	N/A	95

#### Notes:

- Staff numbers as at 30 June 2012.
- 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 47 is based on FTE staff.

## LEARNING AND DEVELOPMENT

### Courses conducted 1 July 2011 to 30 June 2012

COURSE TITLE	Sessions	Attendance		
		Staff	External	Total
<b>Internal training programs (most sessions attract MCLE points)</b>				
Aboriginal Cultural Awareness Training	5	26	35	61
Access to Centrelink database	3	63	0	63
Assertiveness in the Workplace	1	11	0	11
Change Workshops	3	34	0	34
Coaching Skills for Managers and Supervisors	1	6	0	6
Court Visits	4	20	0	20
Cultural Inclusiveness	1	7	0	7
Demystifying Drugs & Alcohol	4	23	4	27
Demystifying Mental Illness	4	34	6	40
Diploma of Management - 2011 & 2012	3	43	15	58
Disability Support Pension Seminar	1	8	2	10
Domestic and Family Violence Recognising and Responding to Clients	1	26	0	26
Eligibility for Legal Aid	1	0	9	9
E-recruitment Taleo Training	2	23	0	23
Evaluation: What is it and why bother?	1	28	0	28
Family Law Property 101 for Grants Staff	1	16	0	16
FDRP Annual Professional Development Day	1	13	26	39
FDRP Development and Supervision	1	6	14	20
Get the most out of web conferencing & AVL	1	2	0	2
Grants Crime Training	3	51	0	51
Grants Family Training	2	50	0	50
Handling Difficult Calls	2	15	4	19
Information Session for Learning Centre	2	12	0	12
Interpersonal Skills for Customer Service (inc. Complaint Handling)	4	27	3	30
Introduction to Management Skills	1	5	0	5
Judicial Information Research System Legal Training Session	1	15	1	16
Job Seeking Skills	1	7	0	7
Law Access Visit	3	23	0	23
Law For Non Lawyers	2	12	2	14
LEADR Mediation Program	1	8	0	8
Legal Aid Managers Conference	1	115	0	115
Legal Research	7	37	1	38
Legal Terminology	1	4	0	4
Managing Aggressive & Violent Behaviour	2	22	4	26
Managing Conflict Constructively	3	17	0	17
Managing People	2	20	0	20
Managing Psychological Injury	3	29	2	31
Managing Stress	1	7	0	7
Office Managers Forums	2	68	0	68
Policy & Procedure Writing	1	7	0	7
Project Management Department of Attorney General and Justice	1	2	0	2
Public Service Young Leaders Conference 2012	1	7	0	7
Qualifying for legal aid	2	0	25	25
Resolving Workplace Conflict	1	8	4	12
Stand up, Speak up and Persuade	3	22	4	26
Stress Down Day 2011	1	36	0	36
Taleo Webinar - Week 1 Hiring Manager, Creating Requisition	2	7	0	7
Time Management	1	6	0	6
Tough Talk - the basics of good communication	2	28	0	28
Work and Development Order Service Training	1	23	7	30
Writing for Legal Aid NSW	1	17	0	17
Writing for the Public Sector	1	11	0	11
<b>Total</b>	<b>101</b>	<b>1,107</b>	<b>168</b>	<b>1,431</b>

COURSE TITLE	Sessions	Attendance		Total
		Staff	External	
<b>Induction</b>				
Civil Law Induction	2	39	-	39
Corporate Induction	4	87	-	87
Criminal Law Induction	1	12	-	12
Family Law and Care and Protection Induction	2	31	-	31
<b>Total</b>	<b>9</b>	<b>169</b>	<b>-</b>	<b>169</b>
<b>Internal Legal Seminars and Conferences</b>				
Care and Protection 2011	1	81	111	192
Children's Legal Service 2011 & 2012	2	66	110	176
Child Representation Conference	1	68	88	156
Civil Law Division Forum 2011	2	117	-	117
Civil Law Conference 2012	1	129	101	230
Criminal Legal Managers Forum	1	44	-	44
Criminal Law Conference 2011	1	258	150	408
Family Law Inhouse Conference 2011	1	137	-	137
Family Law Conference 2011	1	152	150	302
MCLE /CPD Seminars	26	316	84	400
<b>Total</b>	<b>36</b>	<b>1,300</b>	<b>706</b>	<b>2,162</b>
<b>Women's Domestic Violence Court Advocacy Program</b>				
WDVCAP Core Training	3	-	44	44
WDVCAP Core Refresher training	1	-	12	12
WDVCAP Seconded Worker training	5	-	72	72
<b>Total</b>	<b>9</b>	<b>-</b>	<b>128</b>	<b>128</b>
<b>IT Training</b>				
ATLAS/CASES	135	352	-	352
Other	8	27	-	27
<b>Total</b>	<b>137</b>	<b>379</b>	<b>0</b>	<b>379</b>
<b>Online learning</b>				
MCLE	51	280	82	362
General	29	261	10	271
Induction	6	528	-	528
<b>Total</b>	<b>86</b>	<b>1,069</b>	<b>92</b>	<b>1,161</b>
<b>External training (ie. not connected with Legal Aid NSW)</b>				
Civil Law	2	36	-	36
Family Law	60	60	-	60
Criminal Law	69	69	-	69
General	155	155	-	155
<b>Total</b>	<b>286</b>	<b>320</b>	<b>-</b>	<b>320</b>
<b>New online LMS users</b>				
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,378</b>

## 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	180,716
Burwood	Burwood Community Welfare Services Inc	228,200
Central Coast	Central Coast Domestic Violence Court Advocacy Service Inc	302,028
Central West	Housing Plus	177,572
Far South Coast	Southern Women's Group Inc	179,884
Far West	Far West Community Legal Centre Inc	179,416
Hunter	Hunter Women's Domestic Violence Court Service Inc	375,180
Hunter Valley	Carrie's Place Women's and Children's Services Inc	254,244
Illawarra	Wollongong Women's Information Service Inc	294,868
Macarthur	Macarthur Legal Centre	258,592
Macquarie	Macquarie Legal Centre Inc	275,996
Mid-North Coast	Mid-Coast Women's Domestic Violence Court Advocacy Inc	224,780
New England	The Women's Shelter Armidale Inc	186,984
North Coast	Warrina Women and Children's Refuge Co-operative Society Ltd	313,292
North West	Moree Family Support Inc	166,468
North West Sydney	Hawkesbury Nepean Community Legal Centre	284,060
Northern Rivers	Northern Rivers Community Legal Centre	328,064
Northern Sydney	Centacare Broken Bay	265,372
Riverina	Kulkuna Cottage Women's Refuge Ltd	167,856
South Coast	YWCA NSW	186,240
South Eastern	Molonglo Women's and Children's Services	175,348
South West Sydney	South West Sydney Legal Centre Inc	362,392
Southern	Women's Centre for Health and Wellbeing (Albury-Wodonga) Inc	162,596
Southern Sydney	Sutherland Shire Family Services Inc	362,308
Sydney	Redfern Legal Centre Inc	406,352
Wagga Wagga	Wagga Wagga Family Support Services Inc	202,252
Western	Dubbo Emergency Accommodation Project Inc	300,616
Western Sydney	Penrith Women's Health Centre Inc	324,640
WDVCAS Network Inc	Peak body for Women's Domestic Violence Court Advocacy Services	87,380
WDVCAS Network Inc Chairperson	Penrith Women's Health Centre Inc	5,000
<b>Total</b>		<b>7,218,696</b>

## COMMUNITY LEGAL CENTRES PROGRAM

We provided funding to 36 community legal centres across New South Wales.

Community Legal Centre	Commonwealth funding (\$)	State funding (\$)	Public Purpose funding (\$)	Total payments (\$)
Australian Centre for Disability Law	249,383	38,596	88,544	376,523
Central Coast Community Legal Centre	305,912	17,344	172,140	495,396
Community Legal Centres NSW	35,000	275,756	112,750	423,506
Consumer Credit Legal Centre	312,075	129,897	-	441,972
Court Support Scheme	33,585	6,160	5,657	45,402
Domestic Violence Advocacy Service	-	431,808	-	431,808
Elizabeth Evatt Community Legal Centre	158,628	175,704	99,392	433,724
Environmental Defender's Office	95,525	188,824	1,642,127	1,926,476
Far West Community Legal Centre	303,372	-	68,291	371,663
Hawkesbury/ Nepean Community Legal Centre	247,364	126,164	150,642	524,170
HIV/AIDS Legal Centre	68,885	84,516	136,581	289,982
Hume Riverina Community Legal Service	-	-	76,696	76,696
Hunter Community Legal Centre	553,511	251,968	20,365	825,845
Illawarra Legal Centre	431,359	198,640	107,821	737,820
Immigration Advice & Rights Centre	99,339	239,404	-	338,743
Inner City Legal Centre	158,626	159,588	73,038	391,252
Intellectual Disability Rights Service	-	-	105,063	105,063
Kingsford Legal Centre	215,103	128,340	-	343,443
Macarthur Legal Centre	330,269	195,844	107,821	633,934
Macquarie Legal Centre	301,893	272,941	226,282	801,115
Marrickville Legal Centre	333,649	284,056	-	617,705
Mid North Coast Community Legal Centre	203,400	113,080	-	316,480
Mt Druiitt & Area Community Legal Centre	199,322	17,321	-	216,642
North & North West Community Legal Service	256,731	17,412	105,063	379,206
Northern Rivers Community Legal Centre	384,918	49,800	156,313	591,031
Public Interest Advocacy Centre	116,153	121,132	1,218,725	1,456,010
Redfern Legal Centre	158,946	247,916	-	406,861
Refugee Advice & Casework Service	-	-	105,063	105,063
Shoalcoast Community Legal Centre	361,127	223,216	51,250	635,593
South West Sydney Community Legal Centre	362,754	233,968	-	596,722
Tenants' Union of NSW	76,358	120,841	-	197,199
The Aged-care Rights Service	105,546	2,465	216,198	324,208
Welfare Rights Centre	310,199	121,977	-	432,176
Western NSW Community Legal Centre	388,569	50,080	105,063	543,712
Wirringa Baiya Aboriginal Women's Legal Centre	80,000	463,216	105,063	648,279
Women's Legal Services NSW	991,397	319,912	-	1,311,309
National Children's and Youth Law Centre (NCYLC) *	33,400	-	-	33,400
Public Interest Law Clearing House (PILCH) *	41,600	-	-	41,600
Grants for interpreter services	-	49,206	-	49,206
<b>TOTAL</b>	<b>8,303,898</b>	<b>5,357,088</b>	<b>5,255,947</b>	<b>18,916,933</b>

\*Received funding for a CLC/Legal Aid NSW partnership project only.

Note: There was an omission in the table in the 2010-2011 Annual Report which should have included Commonwealth funding of \$75,082 for the Tenants' Union.

The Commonwealth funding to Illawarra Legal Centre (ILC) has been reduced by \$35,000. This relates to an agreement whereby ILC sub-contracts the provision of legal services at Wollongong Family Relationship Centre to the Early Intervention Unit of Legal Aid NSW for an amount of \$35,000.

## LEGAL PRACTICE OPERATIONAL STATISTICS

LEGAL AID NSW TOTALS	2009-2010	2010-2011	% change from previous year	2011-2012	% change from previous year
<b>Case Matters</b>					
Applications Received	50,061	48,337	-3.4%	47,443	-1.8%
Applications Refused	9,316	8,962	-3.8%	8,906	-0.6%
Inhouse Grants	13,788	12,795	-7.2%	12,819	0.2%
Assigned Grants	27,648	26,073	-5.7%	25,932	-0.5%
<b>Total Case Grants</b>	<b>41,436</b>	<b>38,868</b>	<b>-6.2%</b>	<b>38,751</b>	<b>-0.3%</b>
<b>Grant Rate</b>	81.6%	81.3%	-0.5%	81.3%	0.1%
Applications Determined	50,752	47,830	-5.8%	47,657	-0.4%
Applications Undetermined at year end	1,292	1,871	44.8%	1,517	-18.9%
Grants Finalised	43,422	35,412	-18.4%	27,318	-22.9%
Current Grants on Hand at year end	41,635	47,960	15.2%	60,966	27.1%
<b>Duty Services</b>					
Inhouse Duty Services	103,099	103,630	0.5%	108,198	4.4%
Assigned Duty Services	65,283	64,377	-1.4%	63,546	-1.3%
<b>Total Duty Services</b>	<b>168,382</b>	<b>168,007</b>	<b>-0.2%</b>	<b>171,744</b>	<b>2.2%</b>
<b>Other Services</b>					
Advice	84,884	85,239	0.4%	86,271	1.2%
Minor assistance	8,782	12,076	37.5%	25,076	107.7%
Information	497,872	514,060	3.3%	609,299	18.5%
<b>Total Other Services</b>	<b>591,538</b>	<b>611,375</b>	<b>3.4%</b>	<b>720,646</b>	<b>17.9%</b>
<b>Total Client Services</b>	<b>801,356</b>	<b>818,250</b>	<b>2.1%</b>	<b>931,141</b>	<b>13.8%</b>

## CRIMINAL LAW

<b>Case Matters</b>					
Applications Received	26,994	27,431	1.6%	26,856	-2.1%
Applications Refused	3,086	3,080	-0.2%	3,257	5.7%
Inhouse Grants	9,789	9,313	-4.9%	9,110	-2.2%
Assigned Grants	14,388	14,629	1.7%	14,655	0.2%
<b>Total Case Grants</b>	<b>24,177</b>	<b>23,942</b>	<b>-1.0%</b>	<b>23,765</b>	<b>-0.7%</b>
<b>Grant Rate</b>	88.7%	88.6%	-0.1%	87.9%	-0.7%
Applications Determined	27,263	27,022	-0.9%	27,022	0.0%
Applications Undetermined at year end	419	886	111.5%	686	-22.6%
Grants Finalised	26,238	22,728	-13.4%	18,567	-18.3%
Current Grants on Hand at year end	17,982	19,614	9.1%	25,223	28.6%
<b>Duty Services</b>					
Inhouse Duty Services	94,735	96,519	1.9%	97,777	1.3%
Assigned Duty Services	49,738	53,791	8.1%	51,857	-3.6%
<b>Total Duty Services</b>	<b>144,473</b>	<b>150,310</b>	<b>4.0%</b>	<b>149,634</b>	<b>-0.4%</b>
<b>Other Services</b>					
Advice	34,690	31,711	-8.6%	29,015	-8.5%
Minor assistance	170	249	46.5%	3,294	1,222.9%
Information	204,990	219,232	6.9%	268,846	22.6%
<b>Total Other Services</b>	<b>239,850</b>	<b>251,192</b>	<b>4.7%</b>	<b>301,155</b>	<b>19.9%</b>
<b>Total Client Services</b>	<b>408,500</b>	<b>425,444</b>	<b>4.1%</b>	<b>474,554</b>	<b>11.5%</b>

## LEGAL PRACTICE OPERATIONAL STATISTICS

### FAMILY LAW

	2009-2010	2010-2011	% change from previous year	2011-2012	% change from previous year
<b>Case Matters</b>					
Applications Received	20,078	18,077	-10.0%	17,603	-2.6%
Applications Refused	4,957	4,774	-3.7%	4,506	-5.6%
Inhouse Grants	2,802	2,489	-11.2%	2,777	11.6%
Assigned Grants	12,730	10,752	-15.5%	10,332	-3.9%
<b>Total Case Grants</b>	<b>15,532</b>	<b>13,241</b>	<b>-14.8%</b>	<b>13,109</b>	<b>-1.0%</b>
Grant Rate	75.8%	73.5%	-3.0%	74.4%	1.3%
Applications Determined	20,489	18,015	-12.1%	17,615	-2.2%
Applications Undetermined at year end	728	781	7.3%	679	-13.1%
Grants Finalised	15,598	11,133	-28.6%	7,309	-34.3%
Current Grants on Hand at year end	20,778	25,252	21.5%	32,201	27.5%
<b>Duty Services</b>					
Inhouse Duty Services	3,168	3,693	16.6%	6,766	83.2%
Assigned Duty Services	1,757	1,705	-3.0%	1,865	9.4%
<b>Total Duty Services</b>	<b>4,925</b>	<b>5,398</b>	<b>9.6%</b>	<b>8,631</b>	<b>59.9%</b>
<b>Other Services</b>					
Advice	28,263	28,987	2.6%	30,320	4.6%
Minor assistance	4,493	6,161	37.1%	10,968	78.0%
Information	128,761	127,041	-1.3%	147,424	16.0%
<b>Total Other Services</b>	<b>161,517</b>	<b>162,189</b>	<b>0.4%</b>	<b>188,712</b>	<b>16.4%</b>
<b>Total Client Services</b>	<b>181,974</b>	<b>180,828</b>	<b>-0.6%</b>	<b>210,452</b>	<b>16.4%</b>

### CIVIL LAW

#### Case Matters

Applications Received	2,989	2,829	-5.4%	2,984	5.5%
Applications Refused	1,273	1,108	-13.0%	1,143	3.2%
Inhouse Grants	1,197	993	-17.0%	932	-6.1%
Assigned Grants	530	692	30.6%	945	36.6%
<b>Total Case Grants</b>	<b>1,727</b>	<b>1,685</b>	<b>-2.4%</b>	<b>1,877</b>	<b>11.4%</b>
Grant Rate	57.6%	60.3%	4.8%	62.2%	3.0%
Applications Determined	3,000	2,793	-6.9%	3,020	8.1%
Applications Undetermined at year end	145	204	40.7%	152	-25.5%
Grants Finalised	1,586	1,551	-2.2%	1,442	-7.0%
Current Grants on Hand at year end	2,875	3,094	7.6%	3,542	14.5%
<b>Duty Services</b>					
Inhouse Duty Services	5,196	3,418	-34.2%	3,655	6.9%
Assigned Duty Services	13,788	8,881	-35.6%	9,824	10.6%
<b>Total Duty Services</b>	<b>18,984</b>	<b>12,299</b>	<b>-35.2%</b>	<b>13,479</b>	<b>9.6%</b>
<b>Other Services</b>					
Advice	21,931	24,541	11.9%	26,936	9.8%
Minor assistance	4,119	5,666	37.6%	10,814	90.9%
Information	164,121	167,787	2.2%	193,029	15.0%
<b>Total Other Services</b>	<b>190,171</b>	<b>197,994</b>	<b>4.1%</b>	<b>230,779</b>	<b>16.6%</b>
<b>Total Client Services</b>	<b>210,882</b>	<b>211,978</b>	<b>0.5%</b>	<b>246,135</b>	<b>16.1%</b>



## INHOUSE AND PRIVATE LAWYERS ALLOCATION OF LEGAL WORK

	Inhouse lawyer	Inhouse lawyer %	Private lawyer	Private lawyer %	Total
<b>Family law</b>					
Duty Services	6,766	78.4%	1,865	21.6%	8,631
Grants of Legal Aid	2,777	21.2%	10,332	78.8%	13,109
<b>Total</b>	<b>9,543</b>	<b>43.9%</b>	<b>12,197</b>	<b>56.1%</b>	<b>21,740</b>
<b>Criminal law</b>					
Duty Services	97,777	65.3%	51,857	34.7%	149,634
Grants of Legal Aid	9,110	38.3%	14,655	61.7%	23,765
<b>Total</b>	<b>106,887</b>	<b>61.6%</b>	<b>66,512</b>	<b>38.4%</b>	<b>173,399</b>
<b>Civil law</b>					
Duty Services	3,655	27.1%	9,824	72.9%	13,479
Grants of Legal Aid	932	49.7%	945	50.3%	1,877
<b>Total</b>	<b>4,587</b>	<b>29.9%</b>	<b>10,769</b>	<b>70.1%</b>	<b>15,356</b>
<b>Legal Aid NSW total</b>					
Duty Services	108,198	63.0%	63,546	37.0%	171,744
Grants of Legal Aid	12,819	33.1%	25,932	66.9%	38,751
<b>Total</b>	<b>121,017</b>	<b>57.5%</b>	<b>89,478</b>	<b>42.5%</b>	<b>210,495</b>

## FAMILY DISPUTE RESOLUTION FAMILY LAW

	2008-2009	2009-2010	2010-2011	% change from previous year	2011-2012	% change from previous year
Number of conferences	2,294	2,574	2,486	-3.4%	2,586	4.0%
Agreements reached	1,942	2,079	2,000	-3.8%	2,053	2.7%
Agreement rate	84.7%	80.8%	80.5%	-0.4%	79.4%	-1.3%

## COMMUNITY LEGAL EDUCATION<sup>1</sup>

	2008-2009	2009-2010	2010-2011	% change from previous year	2011-2012	% change from previous year
Criminal Law	297	242	424	75.2%	421	-0.7%
Family Law	443	759	933	22.9%	915	-1.9%
Civil Law	328	424	791	86.6%	875	10.6%
<b>Total</b>	<b>1,068</b>	<b>1,425</b>	<b>2,148</b>	<b>50.7%</b>	<b>2,211</b>	<b>2.9%</b>

<sup>1</sup> Note: the other tables on pages 133–136 do not include these services.

## LEGAL PRACTICE OPERATIONAL STATISTICS

### COMMONWEALTH AND STATE ALLOCATION OF LEGAL AID NSW SERVICES

	State matter	State matter %	Commonwealth matter	Commonwealth matter %	Total
<b>FAMILY LAW</b>					
Grants	4,487	34.2%	8,622	65.8%	13,109
Duty Services	3,432	39.8%	5,199	60.2%	8,631
Advice	3,155	10.4%	27,165	89.6%	30,320
Minor Assistance	845	7.7%	10,123	92.3%	10,968
Information Services	20,095	13.6%	127,329	86.4%	147,424
<b>Total</b>	<b>32,014</b>	<b>15.2%</b>	<b>178,438</b>	<b>84.8%</b>	<b>210,452</b>
<b>CRIMINAL LAW</b>					
Grants	23,241	97.8%	524	2.2%	23,765
Duty Services	146,880	98.2%	2,754	1.8%	149,634
Advice	28,394	97.9%	621	2.1%	29,015
Minor Assistance	3,269	99.2%	25	0.8%	3,294
Information Services	257,677	95.8%	11,169	4.2%	268,846
<b>Total</b>	<b>459,461</b>	<b>96.8%</b>	<b>15,093</b>	<b>3.2%</b>	<b>474,554</b>
<b>CIVIL LAW</b>					
Grants	1,406	74.9%	471	25.1%	1,877
Duty Services	13,465	99.9%	14	0.1%	13,479
Advice	18,965	70.4%	7,971	29.6%	26,936
Minor Assistance	8,037	74.3%	2,777	25.7%	10,814
Information Services	143,475	74.3%	49,554	25.7%	193,029
<b>Total</b>	<b>185,348</b>	<b>75.3%</b>	<b>60,787</b>	<b>24.7%</b>	<b>246,135</b>
<b>LEGAL AID NSW TOTAL</b>					
Grants	29,134	75.2%	9,617	24.8%	38,751
Duty Services	163,777	95.4%	7,967	4.6%	171,744
Advice	50,514	58.6%	35,757	41.4%	86,271
Minor Assistance	12,151	48.5%	12,925	51.5%	25,076
Information Services	421,247	69.1%	188,052	30.9%	609,299
<b>Total</b>	<b>676,823</b>	<b>72.7%</b>	<b>254,318</b>	<b>27.3%</b>	<b>931,141</b>

## LAW REFORM SUBMISSIONS

In 2011-2012, Legal Aid NSW made 46 submissions to a variety of law reform bodies on a wide range of issues affecting our clients and the functions of Legal Aid NSW.

### Submission to the Australian Human Rights Commission

- Inquiry into the treatment of individuals suspected of people smuggling offences who say they are children (February 2012)

### Submission to the Australian Law Reform Commission

- Family Violence and Commonwealth Laws (DP76 summary) (October 2011). Contribution to National Legal Aid submission

### Submission to the Australian Securities and Investment Commission

- Review of External Dispute Resolution jurisdiction over complaints when members commence debt recovery legal proceedings (March 2012)

### Submissions to the Commonwealth Attorney-General's Department

- Review of recent changes to court fees for Commonwealth Courts and Tribunals (August 2011). Contribution to National Legal Aid submission
- National Human Rights Action Plan (February 2012)
- Consolidation of Commonwealth Anti-discrimination Laws (February 2012)
- Consultation paper – A new scheme for assistance with disbursements (May 2012)

### Submission to Consumer Affairs Victoria

- Debt Collection Harmonisation Regulation Options Paper (January 2012)

### Submission to Family and Community Services

- Statutory review of the Children and Young Persons (Care and Protection) Regulation 2000 (February 2012)

### Submissions to the House of Representatives Standing Committee on Social Policy & Legal Affairs

- Inquiry into the operation of the insurance industry during disaster events (September 2011)
- Inquiry into Foetal Alcohol Spectrum Disorder (January 2012), Joint submission on behalf of Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd

### Submission to the Joint Select Committee on Australia's Immigration Detention Network

- Inquiry into Australia's immigration detention network (August 2011). Contribution to National Legal Aid submission

### Submissions to the NSW Department of Attorney General and Justice

- Proposed amendments to the *Coroners Act 2009* (September 2011)
- Amendment of Clause 63 of the Criminal Procedure Regulation 2010 in relation to Forum Sentencing Program (November 2011)
- Amendment of s 281B of the *Criminal Procedure Act 1986* to extend the meaning of sensitive evidence (November 2011)
- Statutory review of the *Crimes (Domestic and Personal Violence) Act 2007* (November 2011)
- *Review of the Young Offenders Act 1997 and the Children (Criminal Proceedings) Act 1987* (December 2011)
- Proposal to amend the *Children (Criminal Proceedings) Act 1987* regarding the prohibition on the publication or broadcasting of the name of a child involved in criminal proceedings (January 2012)

- Spousal Immunity (February 2012)
- Proposal to outsource Sheriff's civil enforcement function (February 2012)
- Statutory review of the *Terrorism (Police Powers) Act 2002* (April 2012)
- NSW Police Force proposal for Search and Entry (including computer search) powers in relation to registrable persons under the *Child Protection (Offenders Registration) Act 2000* (April 2012)
- Victims Compensation Scheme (April 2012). Independent assessment by PricewaterhouseCoopers

### Submission to NSW Fair Trading

- Proposals concerning *Landlord and Tenant (Amendment) Act 1948* and *Landlord and Tenant Act 1899* (October 2011)
- Improving the governance of residential parks (March 2012)

### Submissions to the NSW Law Reform Commission

- Bail (July 2011)
- Security for Costs and Associated Costs Orders (August 2011)
- *Crimes (Sentencing Procedure) Act 1999* (NSW) (November 2011)
- *Review of Crimes (Sentencing Procedure) Act 1999* (NSW). Response to Sentencing Question Papers 1-4 (June 2012)

### Submission to the NSW Legislative Council's Standing Committee on Social Issues

- Inquiry into domestic violence trends and issues in NSW (September 2011)

### **Submission to NSW Ministry of Health**

- Review of the *Mental Health Act 2007* (April 2012)

### **Submission to the NSW Sentencing Council**

- Intensive Correction Orders (January 2012)

### **Submission to the Office of the Information Commissioner NSW**

- Consultation paper on GIPA fees and charges (February 2012)

### **Submission to the Repatriation Medical Authority**

- To amend Statements of Principles concerning hiatus hernia (re: *Veterans Entitlements Act 1986*) (Cth) (July 2011)
- To amend Statements of Principles concerning Inflammatory Bowel Disease (re: *Veterans Entitlements Act 1986*) (Cth) (August 2011)

### **Submission to the Senate Standing Committees on Community Affairs**

- Inquiry into the Social Security (Cth) Legislation Amendment Bill 2011 (February 2012). Contribution to National Legal Aid submission

### **Submissions to the Senate Standing Committee on Legal and Constitutional Affairs**

- Inquiry into Deterring People Smuggling Bill 2011 (Cth) (November 2011)
- Crimes Amendment (Fairness for Minors) Bill 2011 (Cth) (January 2012)
- Inquiry into Marriage Visa Classes (March 2012)
- Inquiry into the Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012 (March 2012)
- Detention of Indonesian minors in Australia (7 June 2012). Contribution to National Legal Aid submission

### **Submission to the Supreme Court of New South Wales**

- The Chief Justice's Review of the Costs Assessment Scheme (December 2011)

### **Submissions to The Treasury**

- Unfair Terms in Insurance Contracts (February 2012)
- Reforming Flood Insurance: A proposal to improve availability and transparency (April 2012), letter in support of a Joint Consumer submission prepared by Consumer Action Law Centre
- Amendment (Stronger Super and other Measures) Bill 2012, Exposure Draft – Intra Fund Consolidation of Superannuation Interests (April 2012) (Cth), letter in support of a Joint Consumer submission
- Unfair Contract Terms in Insurance Contracts – Main Subject Matter Exemption (17 May 2012). Joint submission by Consumer Action Law Centre, the Insurance Law Service and Legal Aid NSW

## RIGHT TO INFORMATION

### Obligations under the Government Information (Public Access Act)

#### 1. Review of proactive release program - Clause 7(a)

Under s7 of the GIPA Act, agencies must review their programs for the release of Government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months. Our agency's program for the proactive release of information involves providing information on the Legal Aid NSW website. During the reporting period, we reviewed this program by updating the site. As a result of this review, we released a large amount of information proactively and will continue to update the website regularly.

#### 2. Number of access applications received - Clause 7(b)

During the reporting period, our agency received a total of 22 formal access applications (including withdrawn applications but not invalid applications).

#### 3. Number of refused applications for Schedule 1 information - Clause 7(c)

During the reporting period, our agency refused a total of three formal access applications because the information requested was information referred to in Schedule 1 to the GIPA Act. Of those applications, one was refused in full, and two were refused in part.

#### 4. Statistical information about access applications - Clause 7(d) and Schedule 2

**Table A: Number of applications by type of applicant and outcome \***

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	1	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	1	1	0	0	0	0	0
Members of the public (other)	6	8	0	1	1	1	0	2

\*More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

**Table B: Number of applications by type of application and outcome**

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	5	4	0	1	1	1	0	1
Access applications (other than personal information applications)	1	2	1	0	0	0	0	0
Access applications that are partly personal information applications and partly other	1	3	0	0	0	0	0	1

\*A *personal information application* is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications	Number of applications
Reason for invalidity	
Application does not comply with formal requirements (section 41 of the Act)	2
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	2
Invalid applications that subsequently became valid applications	2

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to the GIPA Act	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	3
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

\* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of the Act	Number of occasions when application not successful
Responsible and effective government	5
Law enforcement and security	0
Individual rights, judicial processes and natural justice	11
Business interests of agencies and other persons	3
Environment, culture, economy and general matters	0
Secrecy provisions	2
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	20
Decided after 35 days (by agreement with applicant)	2
Not decided within time (deemed refusal)	0
<b>Total</b>	<b>22</b>

Table G: Number of applications reviewed under Part 5 of the GIPA Act (by type of review and outcome)	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of the Act	2	1	3
Review by the Administrative Decisions Tribunal	0	0	0
<b>Total</b>	<b>2</b>	<b>1</b>	<b>3</b>

\*The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker.

Table H: Applications for review under Part 5 of the Act (by type of applicant)	Number of applications for review
Applications by access applicants	3
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

## MULTICULTURAL ACTION PLAN

Outcomes	What we achieved
<b>1. Responsiveness</b>	<p>Published information on the Legal Aid NSW website in 32 languages, with both written and audio versions.</p> <p>Produced the <i>Welcome to Legal Aid</i> DVD in 14 languages for emerging communities.</p> <p>Included subtitles in Arabic, Vietnamese and Chinese on the <i>Best for Kids</i> audiovisual resource.</p>
<b>2. Effective community engagement</b>	<p>Delivered 24 community legal education sessions to newly arrived migrants.</p> <p>Delivered 19 train the trainer sessions for <i>What's the Law?</i>, a legal education resource for newly arrived migrants.</p> <p>Participated widely in community events across NSW, providing legal information and education to culturally and linguistically diverse communities.</p>
<b>3. Leadership</b>	<p>Established a new Equity and Diversity Committee chaired by the CEO and comprising senior executives and staff representatives.</p> <p>Developed a new Multicultural Action Plan for 2012-2013.</p> <p>Contributed to law reform submissions on issues affecting culturally diverse people.</p>
<b>4. Cultural competence</b>	<p>Developed culturally appropriate guidelines and training for staff implementing the new requirements for witnessing statutory declarations and affidavits.</p> <p>Delivered training on Indonesian culture for Legal Aid NSW staff involved in the people smuggling trials.</p> <p>Piloted a <i>Cultural Inclusiveness</i> course.</p>

## DISABILITY ACTION PLAN

Outcomes	What we achieved
<b>1. Identify and remove barriers to services or people with a disability</b>	<p>Delivered the <i>Demystifying Mental Illness</i> training course to 40 Legal Aid NSW and partner agency staff.</p> <p>Delivered a <i>Disability Support Pension</i> seminar for staff of Legal Aid NSW and partner agencies.</p> <p>Provided a submission to the NSW Ministry of Health in relation to the statutory review of the <i>Mental Health Act 2007</i>.</p> <p>Developed a new Disability Action Plan for 2012-2013.</p> <p>Developed a guide to assist lawyers representing people with a disability.</p>
<b>2. Provide information and services in a range of accessible formats</b>	<p>Provided information in a range of accessible formats, including Braille, large print and audio.</p> <p>Included closed captioning on the <i>Best for Kids</i> multimedia resource.</p> <p>Updated software to enable all staff to access the National Relay Service from their desktops.</p>
<b>3. Make buildings and facilities physically accessible to people with disabilities</b>	<p>Completed fit-out of a new learning and development centre at Central Sydney Office including enhanced facilities for people with disability.</p>
<b>4. Increase employment participation and retention of people with a disability in the NSW public sector</b>	<p>Provided work training and mentoring placements for people with disability referred by external organisations.</p> <p>Delivered the <i>Managing Psychological Injury</i> training course to 29 Legal Aid NSW staff.</p> <p>Conducted a pilot in the Shoalhaven area to assist private lawyers to make case plans for clients with an intellectual disability.</p>

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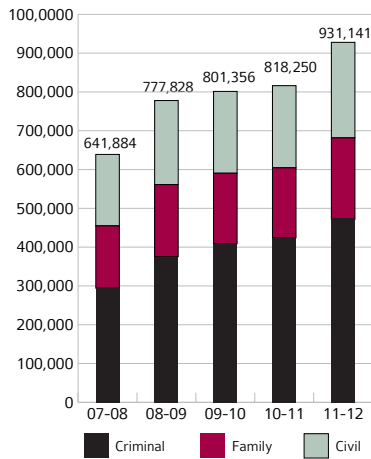
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## PRIORITY: ACCESS TO JUSTICE

**There has been a steady increase in client services**

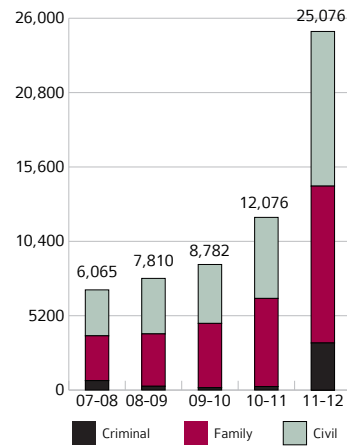
**TOTAL CLIENT SERVICES BY LAW TYPE**



Client services include legal advice, minor assistance, legal representation, duty services and information services (pages 11, 13-30). Community legal education sessions are excluded.

**Minor assistance services have continued to grow significantly**

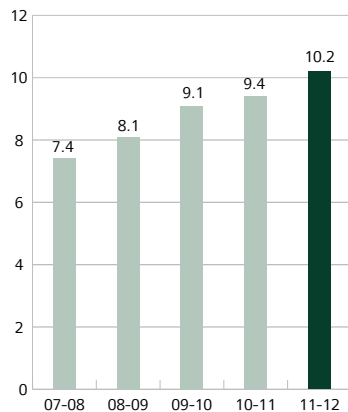
**MINOR ASSISTANCE SERVICES**



During legal advice sessions, practical support such as letter writing and phone calls give people extra help in resolving their problem (pages 20, 22). The sharp increase in 2011-12 is discussed on pages 5 and 7.

**We have increased our services to Aboriginal clients**

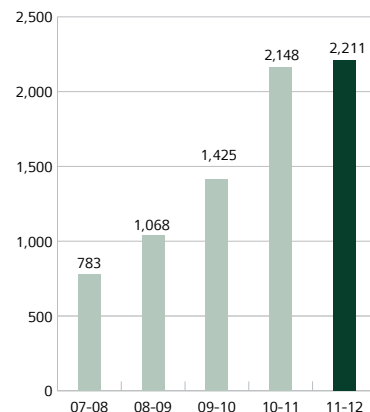
**PERCENTAGE OF TOTAL CASE AND INHOUSE DUTY SERVICES PROVIDED TO ABORIGINAL CLIENTS**



Services to Aboriginal people have increased over five years in all practice areas (pages 16, 38, 40, 43).

**Community legal education sessions have increased significantly in five years**

**TOTAL COMMUNITY LEGAL EDUCATION SESSIONS**

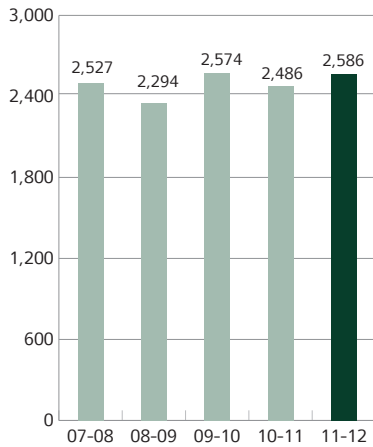


The steady increase in community legal education sessions is a combination of better reporting, coordination and more structured and strategic programs (page 26).

## PRIORITY: ACCESS TO JUSTICE

Conferences have grown by 2.3% over five years

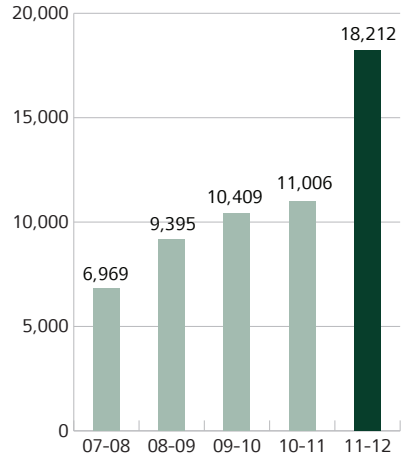
### TOTAL MEDIATION CONFERENCES IN FAMILY LAW



We continue to assist growing numbers of clients to resolve their family law disputes without going to court (pages 20, 135).

A significant increase in AVL use since inception

### AVL CONFERENCES HELD

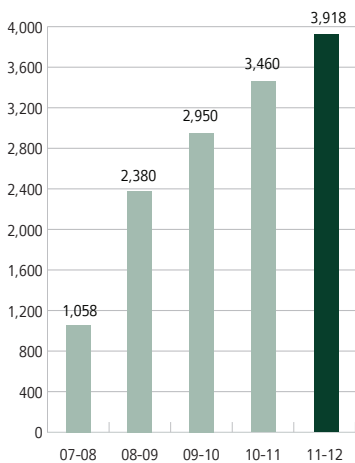


Legal Aid NSW staff use audio-visual link services to conduct interviews and bail applications. The 2011–2012 increase is explained on page 53.

## PRIORITY: EXCELLENCE IN LEGAL SERVICES

There has been a substantial increase in lawyers on panels over five years

### LAWYER APPOINTMENTS ON PANELS

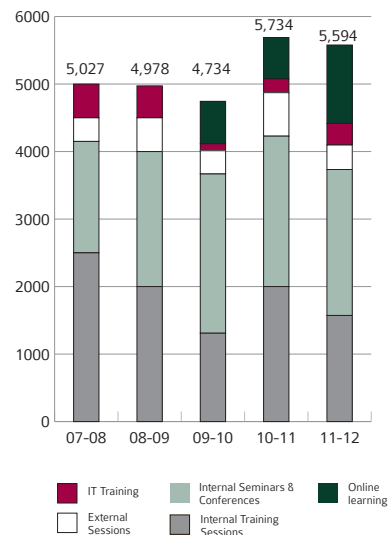


This substantial increase in the number of private lawyers on panels relates to the increases in panel numbers and panel size (page 33).

## PRIORITY: SUPPORTING OUR PEOPLE

We have a high staff participation in learning

### COURSE ATTENDANCES



Online course completion almost doubled from last year (pages 47-49).

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  
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##### **Wollongong**

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WOLLONGONG 2500  
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#### **OFFICE HOURS:**

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8.30am to 5.30pm

All other offices:  
9.00am to 5.00pm



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**Legal Aid**  
NEW SOUTH WALES