



Taking legal services into  
the wider community

## 2012–2013 Annual Report

## Our role

Legal Aid NSW helps people to understand and protect their legal rights. We do this through advice, advocacy, representation and education, with a focus 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

The Hon Greg Smith SC  
Attorney General and Minister for Justice  
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 2013. 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



Bill Grant  
Chief Executive Officer  
October 2013

Legal Aid NSW is the largest legal aid agency in Australia. Our organisation was established under the *Legal Aid Commission Act 1979*. Recent years have seen considerable growth in advice and minor assistance services, new initiatives that take legal services into the community and the establishment of specialist services in three legal practice areas.

We provide a range of legal services to socially and economically disadvantaged people through our Central Sydney office and 20 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.

**Legal Aid**  
NEW SOUTH WALES  
[www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

## About this report

This annual report reviews and reports on our activities and performance, including what we set out to do in the second year of 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 priorities from the plan, and include:

- service expansion in regional and remote areas;
- early intervention strategies;
- better information and referral services;
- several service evaluations;
- the introduction of new health and wellbeing strategies for staff; 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 past year, the report looks to the year ahead and comments on the challenges facing Legal Aid NSW in a difficult funding environment.

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 sixth Gold Award.

This is our 34th annual report. This, and some earlier annual reports, are available on the Legal Aid NSW website in pdf format and HTML. Visit [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

Unless marked as Commonwealth legislation (Cth), all legislation in this report is relevant to New South Wales.

### Cover photo: Taking legal services into the wider community

Legal Aid NSW opened legal advice clinics in Migrant Resource Centres across New South Wales – a practical way of improving access to the legal system for culturally diverse clients. In this photo, Liverpool Migrant Resource Centre staff welcome Ruth Pilkinton from Legal Aid NSW. You can read more about this partnership on page 14. Photo: Ernest Fratzak.

## Contents

### Overview

Chair's report	2
CEO's report	3
Highlights at a glance	5
Measuring performance	6
National benchmarking	7
Legal Aid NSW Plan: a snapshot	8
Fact file	10
Our services: a snapshot	11

### Section 1 13

#### Client services

Client service delivery highlights, including case reports, policy direction and law reform

### Section 2 30

#### Collaborating with our partners

More effective working relationships

### Section 3 42

#### Managing our organisation

The performance of our highly skilled people and efficiency highlights

### Section 4 50

#### Corporate governance

Organisation chart	51
The Board	52
Executive Directors	54
Governance framework	56

### Section 5 60

#### Financial summary

Financial overview, performance and statements

### Section 6 115

#### Appendices

Index	131
Five-year performance trends	132
Contact details	back cover

## Chair's report

### The Board has made a number of difficult decisions to assist with meeting savings targets.



#### **On behalf of the Board I am pleased to introduce the 2012–2013 Annual Report.**

I was delighted to be appointed as Chair of the Board of Legal Aid NSW by the NSW Attorney General in February 2013. The term of the previous Board, capably chaired by the Hon Peter Collins AM QC, ended on 8 November 2012.

This Board oversaw the successful expansion of legal aid services under the Commonwealth National Partnership Agreement. I would like to acknowledge the excellent work and commitment of the Chair and outgoing Board members; the Reverend Harry Herbert, Ian McClintock, Barbara Ramjan and Maria Girdler.

New members of the Board include Annette Bain, Ainslie van Onselen and John McKenzie, who bring a variety of skills and experiences to the role. Several previous Board members have been re-appointed by the Attorney, bringing an important continuity to the activities of the Board.

Stephen Hanley SC, who was appointed to the Board by the Attorney as the representative of the NSW Bar Association in February 2013, was appointed as a judge of the District Court of NSW in June 2013. I would like to congratulate Mr Hanley.

The new Board members bring with them a diverse range of skills from a variety of backgrounds well suited to the important task of providing oversight of the activities of Legal Aid NSW.

Almost sixty-seven per cent of legal aid grants are assigned to the private profession. I acknowledge the work of the private profession and thank those barristers and solicitors who undertake that work, at reduced fees, for the disadvantaged of our society.

#### **Responding to changing needs**

Legal Aid NSW, like many government agencies, is required to make savings to meet New South Wales budget targets. Legal Aid NSW is also experiencing increased expenditure pressures from external factors such as a reduction in funding from the Public Purpose Fund, and an increase in District Court trials.

The Board has made a number of difficult decisions to assist with meeting savings targets. These include changes to policies relating to public interest environment matters, Local Court defended hearings and representation at the Guardianship Tribunal. In delivering these savings, Legal Aid NSW has made every effort to ensure that there is no reduction in its services to disadvantaged people across New South Wales.

The Board was pleased to be regularly briefed on legislative changes which impact on the delivery of legal aid services, including legislation on the right to silence and mandatory pre-trial defence disclosure.

In recognition of the priority that Legal Aid NSW places on meeting the needs of Aboriginal people, the Board was delighted to approve the *Legal Aid NSW Reconciliation Action Plan*. This plan has a focus on building strong relationships with Aboriginal communities, increasing cultural sensitivity and increasing the employment of Aboriginal and Torres Strait Islander people.

#### **Managing risk**

An important function of the Board is to oversee audit and risk for Legal Aid NSW. I am pleased to advise that Phil Bickerstaff has been re-appointed as Chair of the Audit and Risk Committee until 2016, following an assessment by the CEO which found that his performance was of a high standard.

A number of internal audits were completed this financial year including fleet management, business continuity and disaster recovery, information security, and the complaints handling system. The Board will oversee the implementation of recommendations arising from these.

I am delighted to report that there has been a decrease of 63% in the cost of new workers' compensation claims reported in 2012–2013. This reflects the excellent work that Legal Aid NSW is doing to improve the health and wellbeing of its staff.

#### **The year ahead**

The new Board participated in a planning retreat in May this year. The resulting *Legal Aid NSW Plan 2013–2014* highlights the collaborative and innovative approach that Legal Aid NSW takes to meeting the legal needs of disadvantaged people in New South Wales.

The year ahead presents ongoing funding challenges which will require difficult decisions. However, I am confident that, by working closely with the CEO and a talented team of Executive Directors, the budget challenges of the next few years will be met without diminishing the high quality services to clients for which Legal Aid NSW is known.

Since commencing as Chair in February this year, I have been impressed by the talent, energy and commitment of the Executive team and staff of Legal Aid NSW. It is a privilege to have the opportunity to chair the Board of Legal Aid NSW.

A handwritten signature in black ink, appearing to read 'Craig Smith'.

Craig Smith  
Chair, Legal Aid NSW

## CEO's report

**Given the difficult funding environment we are in, our financial result for 2012–2013 was outstanding.**



### ***I am pleased to present the Legal Aid NSW 2012–2013 Annual Report.***

Despite the funding pressures that we are currently experiencing, the 2012–2013 Annual Report demonstrates that Legal Aid NSW continues to be a creative and forward thinking organisation, with a strong focus on service delivery for our clients and good relations with our partners.

I am delighted to report that we exceeded the performance benchmarks in all areas of the National Partnership Agreement with the Commonwealth Government, including increasing our early intervention services by 56% and our total services by 31% since 2009–2010.

With broad geographical coverage and a high volume of legal services, Legal Aid NSW is well placed to identify trends in demand and gaps in legal services and adapt its services accordingly. This, together with a committed client focus and strong service partnerships, makes Legal Aid NSW a leader in the delivery of innovative legal services across crime, family and civil law.

### **Promoting access to justice**

In keeping with our charter under the *Legal Aid Commission Act 1979* that we 'have regard to the need for legal aid to be readily available and easily accessible to disadvantaged persons throughout New South Wales', one of our priorities is to promote access to justice for disadvantaged people.

Recognising that many vulnerable and disadvantaged people do not have easy access to one of our offices, we have significantly increased our outreach services around New South Wales, providing family and civil law services in over 164 outreach locations.

This approach is seeing positive results, with an 84% increase in the numbers of outreach advice and minor assistance services provided between 2010 and 2012.

Outreach is an important part of our strategy to improve family and civil law services to Aboriginal people, with 21 of our outreach locations targeted to Aboriginal communities. As a result, 11.5% of our outreach services were provided to Aboriginal people. The use of Aboriginal Field Officers has been another very successful strategy to improve our reach to, and links with, Aboriginal communities.

I am particularly proud of the work that has been done in relation to the *Legal Aid NSW Reconciliation Action Plan*, launched by the Attorney General in 2013. This plan outlines our strategies to increase access to family and civil law services for Aboriginal and Torres Strait Islander people as well as increasing the number of Aboriginal and Torres Strait Islander people working at Legal Aid NSW.

We responded quickly to the High Court decision in *Muldrock v The Queen* to review the sentences of over 1,000 prisoners for whom a standard non-parole period was applied. Appeals have been prepared for filing in 67 of the most meritorious cases.

In a ground-breaking pilot aimed at reducing breaches of Apprehended Domestic Violence Orders (ADVOs), Legal Aid NSW is providing advice and minor assistance to defendants in ADVO matters at Burwood Local Court. I am pleased to report that we have partnered with the Bureau of Crime Statistics and Research to evaluate this pilot.

### **Pursuing excellence in legal services**

Ensuring high quality legal services for our clients is central to how we do our business.

An important component of ensuring excellence in our services is to regularly evaluate and review our services and systems to assess their effectiveness and efficiency. I am pleased to report that we carried out a number of important reviews of our services, including an evaluation of the Family Law Early Intervention Duty Lawyer Service; a review of outreach services, including the Regional

## CEO's report continued

Outreach Clinic Program; and a review of the Cooperative Legal Service Delivery Program.

I would like to acknowledge the important role of private lawyers in delivering our services under the mixed model of service delivery. In 2012–2013 we increased the number of lawyers on panels by 10%. We also introduced the Metropolitan Duty Scheme to ensure a consistent approach to the allocation of back-up duty work at Local Courts in the Sydney region. The Scheme will be expanded to regional locations in 2013–2014.

Legal Aid NSW continues to be committed to providing excellence in legal services to Aboriginal clients. For this reason, we ran Aboriginal cultural competency workshops for our staff and private lawyers around New South Wales which focussed on developing practical skills.

### Supporting our people

I am pleased to report that Legal Aid NSW continues to focus on the health and wellbeing of our staff.

Many of our staff work with some of the most disadvantaged people in society, who have complex and often difficult lives.

Within this context, I am pleased to report on a WellCheck program targeted at staff working in service areas where there may be a risk of psychological injury or cumulative stress. This program provides a one-on-one session with a senior psychologist and is designed to intervene before an employee finds themselves in crisis. WellChecks have been carried out with 250 staff to date.

Other initiatives implemented under the Legal Aid NSW Health and Wellbeing Strategy included workshops on building resilience, managing conflict and dealing with difficult clients. In keeping with our commitment to evidence based practice, Legal Aid NSW is participating in a University of New South Wales research project on the health and wellbeing of our staff.

We improved the ability of staff to plan, monitor and evaluate services with the introduction of a new Business Intelligence tool. This tool provides staff with access to a vast range of our service data through easy to use dashboards. It also enables very detailed service provision data to be combined and examined much more readily than before, facilitating improved analysis.

### Linking services

Legal Aid NSW works closely with our partners in the government and community sectors to provide linked up services for our clients.

I am delighted about a new collaboration between Legal Aid NSW and Settlement Services International, the first of its kind in Australia. Under this partnership, civil and family lawyers from Legal Aid NSW will provide legal advice services to clients at Migrant Resource Centres as well as offer regular education workshops about the Australian legal system.

This year saw Legal Aid NSW work extensively with partner agencies in the Justice Cluster on projects to improve services. A new interagency group was established to determine the extent of District Court trial backlogs and their causes, leading to initiatives to identify and reduce guilty pleas before trials commence.

Legal Aid NSW has played a pivotal role in the successful implementation of the Work and Development Order Scheme, an excellent example of best practice collaboration across government agencies. This year saw record growth of the scheme following a statewide campaign to increase the number of providers and link vulnerable clients with the program. The partnership between the Department of Attorney General and Justice, State Debt Recovery Office, Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd has ensured this program's success.

In times of financial constraint, and in an environment of change, communication becomes even more critical. In 2012–2013, we introduced two important initiatives to improve communication with our partners. *Legal Aid News* is a monthly e-newsletter providing up-to-date information about Legal Aid NSW services and resources. We also piloted social network channels, using Facebook and Twitter to provide our partners with information about Legal Aid NSW services and found that this was a cost-effective way to improve knowledge of our services, particularly in regional areas.

### Financial services

Given the difficult funding environment we are in, our financial result for 2012–2013 was outstanding. Legal Aid NSW met its savings targets with minimal impact on legal aid services, few frontline staff cuts and no impact on services in State crime, which represents the largest area of legal aid expenditure.

In order to meet the substantial savings targets beyond 2012–2013, Legal Aid NSW will continue to adopt a rigorous and considered approach to savings measures, to ensure minimal impact on our client service delivery.

I would like to thank the Board of Legal Aid NSW for their strategic leadership over the last year under Chair Peter Collins until December 2012, and Craig Smith from February 2013. 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 and our partners in the private profession, who work tirelessly to assist disadvantaged people in New South Wales to resolve their legal problems.



Bill Grant  
CEO, Legal Aid NSW

## Highlights at a glance

### What we did over the past year

We provided 972,650 client services and, despite a difficult financial environment, managed to introduce more programs and services by allocating resources effectively.

One of the biggest service increases continues to be the area of advice and minor assistance—partly as a result of the increased focus on providing services through outreach (face-to-face sessions offered to people in locations outside Legal Aid NSW offices).

This reflects the reforms set down by the Commonwealth Government under the National Partnership Agreement 2010–2014 (NPA) on Legal Assistance Services. In return for additional funding, the NPA required a 30% increase in early intervention services such as advice and minor assistance by 2014.

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

We completed our *Legal Aid NSW Plan 2011–2013*, and delivered a new plan for 2013–2014.

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

#### ■ PROMOTING ACCESS TO JUSTICE

Expanded our civil and family law outreach services to Aboriginal people

Increased advice and minor assistance services by 15.6%

Delivered new advice services to people from culturally and linguistically diverse communities

Implemented new services to complainants and defendants in domestic violence and sexual assault matters

Assisted vulnerable clients to clear over \$7.5 million in outstanding fines through the Work and Development Order Scheme partnership

Developed the *Legal Aid NSW Reconciliation Action Plan 2013–2015* to guide legal service access to Aboriginal people

#### ■ SUPPORTING OUR PEOPLE

Developed and implemented a Health and Wellbeing Strategy

Completed a review of our grants management system

Implemented a new Business Intelligence tool that supports staff in their work

#### ■ PURSUING EXCELLENCE IN LEGAL SERVICES

Implemented the Metropolitan Duty Scheme in metropolitan Local Courts

Reviewed a number of our services ensuring the best possible use of resources

Delivered Aboriginal cultural awareness training to private lawyers

Provided domestic violence training to over 18% of staff

Took part in a review of the National Partnership Agreement and submitted a comprehensive response to the Commonwealth

#### ■ LINKING SERVICES

Published a monthly online newsletter, achieving a 53% increase in subscribers and 25% increase in page views

Reviewed the Cooperative Legal Service Delivery Program

Assisted vulnerable people with short-term credit contract issues

## Financial management

Our net financial result was a surplus of \$10.7 million, which is an \$11.6 million improvement on the budgeted deficit. Before end of year actuarial adjustments, our financial result was within 1% of budget.

FINANCIAL SUMMARY	2011–2012 (\$M)	2012–2013 (\$M)	CHANGE (%)
Operating revenue	243.6	247.4	1.6
Operating expenses	244.7	236.3	(3.4)
Total assets	100.9	101.9	1
Total liabilities	92.5	71.7	(22.5)
Surplus/(deficit)	(0.2)	10.7	5,450
Net equity	8.4	30.2	259.5

# Overview

## Measuring performance

Legal Aid NSW aims to plan and deliver its services in a way that maximises our resources and outcomes for clients. By implementing performance mechanisms and routinely measuring and reviewing our performance we continually improve our services to clients.

In 2012–2013, we undertook our biennial client satisfaction survey and achieved a high satisfaction

rate of 91.5%. We have continued to provide more advice and minor assistance services, more community legal education services and we have expanded our outreach locations so that more clients, especially those outside metropolitan areas, can access legal services.

Central to performance measurement is a sophisticated Business Intelligence (BI) system

which allows a wide range of complex data to be accessed and used flexibly by all staff to further improve performance measurement, service planning and delivery. The new, recently implemented BI tool will strengthen our performance measurement capacity and will assist Legal Aid NSW in a future review of our performance indicators.

### KEY PERFORMANCE INDICATORS

PERFORMANCE AREA	RESULT 2010-2011	RESULT 2011-2012	RESULT 2012-2013	
<b>Community awareness of legal right and responsibilities</b>				
Client satisfaction rating	89.5%	N/A <sup>^</sup>	91.5%	
Average waiting time for advice appointments	0.94 weeks	0.84 weeks	0.96 weeks	
No. of information services provided	514,060	609,299	633,743	
Rate per 100,000 of NSW population accessing information services	7,138	8,367	8,608	
No. of advice and minor assistance services provided	97,315	111,347	128,719	
Rate per 100,000 of NSW population accessing advice and minor assistance services	1,351	1,529	1,748	
No. of publications distributed	647,800	678,103	731,526	
Rate per 100,000 of NSW population accessing publications	8,995	9,312	9,936	
<b>Accessibility of legal aid</b>				
Means test income limit as a% of national minimum weekly wage	55.8%	54.0%	52.4%	
Percentage of Local Court sittings services by duty solicitor schemes	100%	100%	100%	
<b>Representation service standards</b>				
Percentage of satisfactory comprehensive inhouse file reviews	97.8%	97.7%	98.3%	
No. of Legal Aid NSW lawyers with specialist accreditation	68	71	67	
No. of Legal Aid NSW lawyer attendances at training sessions	2,034	2,471	2,242	
No. of private lawyer attendances at Legal Aid NSW training sessions	796	878	527	
SERVICE DELIVERY TARGETS	2011-2012 PERFORMANCE	2012-2013 TARGET	2012-2013 PERFORMANCE	2013-2014 TARGET
Legal advice services	86,271	87,000	92,854	93,000
Information services	609,299	615,000	633,743	634,000
Inhouse and assigned duty services	171,744	172,000	172,188	173,000
Conferences—family law*	2,667	2,620	2,665	2,700
Community legal education sessions	2,211	2,250	2,515	2,600
Outreach advice services**	11,446	11,800	12,781	13,000
Locations with regular outreach	153	165	164	164
Locations with regular outreach for Aboriginal communities	20	22	21	21

\* State care and protection conferences are included in this count for 2012–2013, as well as Commonwealth family dispute resolution conferences.

\*\* This does not include minor assistance services.

<sup>^</sup> Surveys are conducted in alternate years.



## National benchmarking

**Commonwealth funding to Legal Aid NSW is governed by the National Partnership Agreement on Legal Assistance Services (NPA) which came into operation in July 2010 and which continues until June 2014.**

### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

Legal Aid NSW exceeded the Commonwealth benchmark of a 25% increase in total services, with the statistics for 2009–2010 to 2012–2013 showing an increase of 97.3% (or 30.5% if website page views and State criminal law services are excluded). The increase in early intervention services was 55.6% (excluding State criminal law), well in excess of the Commonwealth benchmark increase of 30%.

Our performance against other key reporting requirements shows that Legal Aid NSW policies for providing services are consistent with Commonwealth priorities and principles.

We collected and used a variety of data on supply, demand and unmet need to monitor and plan our services. In addition to using information collected through our grants and case management systems and data from external agencies, we commissioned our own surveys and reviews of our services.

Among these were the biennial survey of client satisfaction with Legal Aid NSW advice and minor

assistance services and the *Legal Australia-Wide (LAW) Survey*, co-funded by National Legal Aid. The former showed that the overall client satisfaction rate was 91.5%, up on the 89.5% rate in the 2011 survey. Results from the LAW survey informed development of the *Legal Aid NSW Plan 2013–2014*. More details on surveys and reviews appear on pages 16 and 46.

We supported increased coordination and collaboration, working in formal partnerships with the Aboriginal Legal Service (NSW/ACT) Ltd, LawAccess NSW, Community Legal Centres NSW and private lawyers. Legal Aid NSW also partnered with government and community based organisations on particular projects to increase the access to justice of disadvantaged communities, for example, the scheme to help people work off fines debt and the delivery of family and civil law outreach services through Migrant Resource Centres.

### Review provides a comprehensive picture of services

A review of the NPA commenced in May 2012 and is expected to report in 2013. ACIL Allen Consulting (formerly Allen Consulting Group) was engaged to conduct the review, which encompassed all Commonwealth funded legal assistance programs: Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services, Community Legal Centres and Family Violence Prevention Legal Centres.

Over the past year, Legal Aid NSW has participated fully in the review, providing a comprehensive picture of Legal Aid NSW services and programs and the collaborative partnerships within the NSW legal assistance sector. Legal Aid NSW reviewed and contributed to the National Legal Aid submissions on the review draft evaluation framework.

The CEO was a member of the review advisory committee.

### Inquiry into civil dispute resolution

The Australian Productivity Commission has commenced an inquiry into Australia's system of civil dispute resolution.

This 15-month inquiry will examine the costs of accessing justice services and securing legal representation, and the economic and social impact of these costs on access to and the quality of justice.

The inquiry will make recommendations on the best way to improve access to the justice system and equity of representation, including the funding of legal assistance services.

The inquiry commenced in June 2013, with the final report due September 2014. Legal Aid NSW will be participating in the inquiry.

### ■ YEAR AHEAD

Consider the findings of the NPA review.

Work with the Australian Productivity Commission in its inquiry.

## Reporting against Commonwealth benchmarks

Performance indicator	Performance benchmark	Service count 2009–2010	Service count 2012–2013	Comment
Number of early intervention services delivered*	30% increase in the number of early intervention services	59,927	93,225	Between 2009–2010 and 2012–2013 there was a 55.6% increase in early intervention services
Total number of services delivered <sup>^</sup>	25% increase in the total number of services delivered	3,182,398	6,278,713	Between 2009–2010 and 2012–2013 there was a 97.3% increase in total services
Total services excluding website page views and State criminal law <sup>^*</sup>	25% increase in the total number of services delivered	1,167,735	1,524,119	Between 2009–2010 and 2012–2013 there was a 30.5% increase in total services, excluding website page views and State criminal law

\* State criminal law services have been excluded from these counts because they are not early intervention in character.

<sup>^</sup> Because of a change in the methodology for counting website page views, the 2009–2010 website page views figure has been revised downward since it was originally reported.

### Promoting access to justice

- Expanded civil and family law advice and minor assistance services to Aboriginal people through outreach services by more than 10%, against a target of 5–10% (p 14)
- Established a partnership with Settlement Services International and delivered new outreach advice services to culturally diverse and newly arrived migrant communities in eight Migrant Resource Centres (p 14)
- Completed a systematic review (*Muldrock* review) of sentences on selected closed files, made grants of aid in approximately 70 matters and prepared appeals for filing (p 20)
- Established the Sexual Assault Communications Privilege Service (SACPS) and implemented services to complainants and defendants in domestic violence and sexual assault matters through the SACPS and the Mt Druitt ADVO Defendant Pilot (pp 18, 24)
- Established a State-wide Work and Development Order Service (WDO) assisting organisations and health practitioners to become WDO sponsors and linking eligible clients with the scheme to clear fines debt. Assisted over 300 people, against a target of 200 (p 14)
- Developed the Legal Aid NSW Aboriginal *Reconciliation Action Plan 2013–2015* (p 39)

### Pursuing excellence in legal services

- Developed and implemented the Metropolitan Duty Scheme, a new system for allocating back-up duty work for metropolitan Sydney (p 46)
- Reviewed the effectiveness of the Regional Outreach Clinic Program (p 38)
- Completed a review of the criminal law committals and indictable practices to increase cost-effectiveness and efficiency and improve services (p 46)
- Developed training and delivered five sessions across New South Wales to enhance Aboriginal cultural competency skills of private lawyers (p 39)
- Developed domestic violence awareness training and delivered training to over 18% of Legal Aid NSW staff, exceeding a target of 15% (p 45)
- Participated in the Review of the National Partnership Agreement and submitted a comprehensive response to the Commonwealth (p 7)

YEAR  
AHEAD

**2013–2014 Objective: To promote access to justice through early intervention and prevention and better targeting of legal assistance to disadvantaged people**

- Develop new early intervention legal assistance services for the child protection system before matters reach court
- Conduct a trial of a duty and advice service for defendants in Apprehended Domestic Violence Order matters and evaluate the trial in partnership with the Bureau of Crime Statistics and Research
- Pilot and evaluate a civil law check-up tool in targeted locations to reduce the risk of homelessness for disadvantaged people, especially young people
- Implement key actions for 2013–2014 from the *Legal Aid NSW Reconciliation Action Plan 2013–2015*

**2013–2014 Objective: To pursue excellence, innovation and efficiency in legal service delivery**

- Implement initiatives in relation to State Government reforms to the law of bail
- Use mobile technology and, in particular, web conferencing technology with rural and remote service partners, to enhance the delivery of legal services
- Pilot an expansion of civil law advice and duty services to targeted tribunals
- Implement a new *Diversity Action Plan* which promotes inclusiveness and diversity to improve client service and support for staff
- Develop and pilot activity-based costing

*We completed the final year of our two-year plan, with significant achievements in all priority areas.*

## Supporting our people

- Continued retention and targeted recruitment strategies to increase Aboriginal employment at Legal Aid NSW to 4.9%, against a target of 5.5% (p 44)
- Developed and implemented a Health and Wellbeing Strategy (p 43)
- Completed a post-implementation review of the grants management system (p 47)
- Reviewed the data and information needs of Legal Aid NSW and developed and implemented a new Business Intelligence tool and reporting dashboards (p 48)

**2013–2014 Objective: To support and develop our people and improve our systems to meet organisational goals**

- Develop and implement an Aboriginal Employment and Career Development Strategy
- Finalise and implement a framework to establish individual plans for all staff at Legal Aid NSW
- Progress the approved recommendations of the post-implementation grants management system review
- Implement a program for managers to support health and wellbeing and a respectful workplace for staff

## Linking services

- Developed effective communication strategies with panel lawyers and our service partners, by publishing 10 e-newsletters and achieving a 53% increase in subscribers and over 25% increase in web page views (pp 33, 41)
- Conducted a review of the Community Legal Centre/Legal Aid NSW partnership program (p 35)
- Completed a review of the Cooperative Legal Service Delivery program (p 37)
- Established a joint project with the Consumer Credit Legal Centre to assist vulnerable people targeted by payday lenders, providing over 200 advice and minor assistance services (p 24)

**2013–2014 Objective: To build strong effective service partnerships to respond to the legal and non-legal needs of our clients**

- Develop an initiative with the Office of the Director of Public Prosecutions to reduce committals for trial and increase early pleas of guilty where appropriate
- Implement a pilot to share practice-based resources with the private profession
- Develop strategies in partnership with the Aboriginal Legal Service (NSW/ACT) Ltd to support the delivery of legal services to Aboriginal clients

# Overview

## Fact file

**Our total income was \$247.4 million and we spent \$236.3 million.**

Of our total expenditure, 49.9% was spent in criminal law services, 25.4% in family law services, 13.0% in civil law services and 11.7% in community partnership programs. See the financial summary on page 61 for details about where our funds come from and how we spend them. Details about our community partnership program funding can be found in Appendices 5 and 6.

### People

We employed 959 staff (871.25 full-time equivalent), 432 in regional offices and 527 in the Central Sydney office. Of that total, 484 are lawyers and 475 are employed in administrative and corporate services roles.

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

### Management

An independent Board oversees our long-term strategic direction, while the day-to-day management is overseen by the CEO, assisted by a Deputy CEO and eight Executive Directors.

See pages 52 to 55 for their achievements and profiles.

### Private lawyers – key partners

In 2012–2013, 42.9% of our case and duty services were provided by

private lawyers. See Assigned Grants and Duty Services on page 124.

### Structure

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

Three of these divisions are legal practices – civil law, family law and criminal law (pages 20 to 25). Each legal practice has a number of specialist services (page 12).

Our organisation chart appears on page 51.

### Our 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 with non-English speaking backgrounds.

Our client profile has remained relatively stable over the last five years. However, the percentage of total case and inhouse duty services provided to Aboriginal people has increased from 8.1% in 2008–2009 to 10.3% in 2012–2013 (page 14).

### Performance

We measure our performance in several ways. Our key performance indicators (KPIs) and service delivery targets on page 6 indicate how we are performing against high level KPIs and targets at organisational level.

We also monitor our performance against a number of plans which guide our work, such as the *Legal Aid NSW Plan 2011-2013* and are accountable for achieving the actions set out in these plans. The actions we achieved against the priorities in the plan in 2012-2013 appear on pages 8 and 9. Five year performance trends are reported on pages 132 and 133.

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

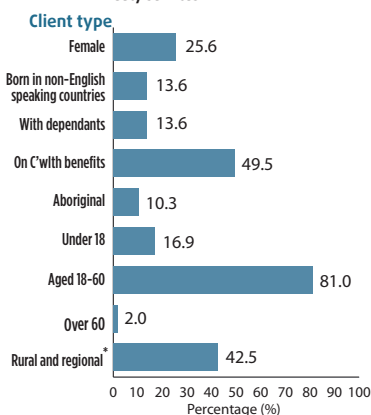
Our organisation is established under the *Legal Aid Commission Act 1979* (the Act).

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

The health and safety of people in our workplace is conducted in accordance with section 18 of the *Work Health and Safety Act 2011*.

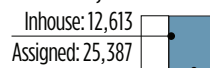
Our financial statements are prepared in accordance with the provisions of the *Public Finance and Audit Act 1983*.

**Legal Aid NSW client profile**  
Based on total case grants and inhouse duty services

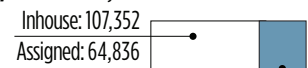


## TOTAL CLIENT SERVICES IN 2012-2013: 972,650

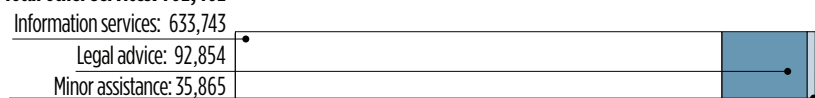
### Total legal representation: 38,000



### Total duty services: 172,188



### Total other services: 762,462



**WE SUBSTANTIALLY INCREASED ADVICE AND MINOR ASSISTANCE SERVICES BY 15.6%.**

## Our services – a snapshot

*The following two pages capture a snapshot of our client services and statistics for 2012–2013.*

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 to 9) and expanded upon in Section 1 of this report.

### Information

- **Provided 633,743 information services, an increase of 4.0% on last year.**

Our information services are free and can be accessed by the general community. Our staff can help with initial inquiries about legal problems 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 additional help.

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

### Publications and community legal education

- **Distributed 731,526 publications and provided 2,515 community legal education sessions (page 27).**

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 available 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 can be tailored to suit the needs of particular groups.

### Legal advice and minor assistance

- **Provided 128,719 advice and minor assistance services, an increase of 15.6% on last year.**

Legal advice and minor assistance is available at no cost and is not means tested.

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 172,188 duty services (107,352 of these were provided inhouse and 64,836 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 can 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 people in custody for a first appearance bail application.

The duty lawyer service is free of charge.

Duty lawyer services are available for children and adults involved in care and protection matters at every specialist Children's Court in New South Wales, and at many regional courts when they sit as Children's Courts.



*One of our teams at the Downing Centre Local Court, helping to make the court process less confusing and daunting for clients – lawyer Blake Cansdale and administrative staff Anisa Malhas and Rebecca Carlisle. Photo: Dani Pontes*

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 and at hospitals.

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 Circuit Courts.

*We provide a wide range of services to our clients.*

# Overview

## Services to clients continued...

### Legal representation

- **Provided representation in 38,000 matters (12,613 provided inhouse and 25,387 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 be viewed on our website: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) at *For lawyers/Policy Online*.

Clients can apply for a grant of legal aid through a Legal Aid NSW 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*.

### Youth hotline

- **Received 17,339 calls, providing legal advice to 6,905 young people, and minor assistance to 3,566.**

Our telephone hotline, 1800 10 18 10, provides legal advice and information to young people under 18, and operates from 9am to midnight weekdays, with a 24-hour service on weekends and public holidays.

Many calls relate to 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.

### Family law conferences

- **Held 2,665 conferences, reaching full or partial settlement in 80.1% 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 Circuit 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.

Conferencing is available in care and protection matters in the State family law jurisdiction.

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

### Specialist services

- **The Work and Development Order Service worked with external partners to help more than 6,952 clients clear \$7.5 million of fines debt (pages 14 and 24).**

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

- Adult Drug Court Service
- Child Support Service
- Children's Legal Service (criminal matters)
- Client Assessment and Referral Unit
- Commonwealth Crimes 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.

## Section 1

### Client services

Delivering community outcomes

#### CONTENTS

<b>Reaching out to disadvantaged communities</b>	<b>14</b>
<b>Meeting our challenges</b>	<b>15</b>
<b>Building our capacity</b>	<b>16</b>
<b>Seizing opportunities</b>	<b>18</b>
<b>Meeting clients' needs</b>	<b>19</b>
<b>Highlights from our practice areas</b>	<b>20</b>
<b>Integrated services</b>	<b>26</b>
<b>Community legal education</b>	<b>27</b>
<b>Client diversity</b>	<b>28</b>
<b>Contributing to law reform</b>	<b>29</b>

#### Major achievements

- Helped people clear fines debt, changing lives for the better.
- Launched the second pilot of a duty service for ADVO defendants.
- Completed a major sentence review of 1,000 prisoners.
- Achieved a high level of client satisfaction in a biennial client survey.
- Opened advice clinics in eight Migrant Resource Centres.
- Achieved glowing commendations for early intervention projects.

## Client services

### Reaching out to disadvantaged communities

#### Major achievements

##### ■ PRIORITY: ACCESS TO JUSTICE

#### Working off debt project exceeds expectations

This year saw record growth of the innovative Work and Development Order (WDO) Scheme following a statewide expansion campaign undertaken by Legal Aid NSW with the Aboriginal Legal Service (NSW/ACT) Ltd. The WDO Scheme allows vulnerable people to clear their fines with unpaid work, courses, counselling, mentoring or treatment programs. The benefits are far-reaching as participants have the opportunity to work off their debt, have their licence reinstated, develop new skills, engage with support services and receive treatment under supervision.

In 2012–2013, 6,952 WDO applications were approved, \$7.5 million was cleared and the total amount of fines debt approved for WDO management now exceeds \$29 million. WDOs are provided by not for profit organisations, government agencies and health practitioners at nearly 1,000 locations across New South Wales.

Legal Aid NSW assisted 2,159 individuals and provided services to 1,160 organisations with fines and Work and Development Orders, as well as delivering 329 community legal education sessions. *Fines Days* were held in more than 30 regional and remote

communities, including Walgett, Lightning Ridge, Condobolin, Lithgow, Gunnedah, Kyogle and Bowraville, where clients received on the spot help with fines, WDOs and other civil law problems.

Our *Fines Days* are an example of best practice collaboration between government and the community sector. They were delivered in partnership with agencies such as the Aboriginal Legal Service (NSW/ACT) Ltd, Australian Department of Human Services, State Debt Recovery Office, Roads and Maritime Services and many local services.

#### Migrants have better access to legal services

People in New South Wales from culturally and linguistically diverse (CALD) backgrounds gained additional access to free legal services. Under a new partnership between Legal Aid NSW and Settlement Services International (SSI), family and civil lawyers provide legal advice services at Migrant Resource Centres and offer regular education workshops about the Australian legal system.

The two agencies joined forces in response to a report by the Family Law Council of Australia, which found that the welfare of CALD clients suffered in the long term if they failed to address legal issues at an early stage. Under the new service, CALD clients can now seek help at eight Migrant

*We found new ways to reach more people who are at risk of social exclusion.*

Resource Centres across Sydney, the Central Coast and Wollongong.

Minister for Multicultural Affairs Senator Kate Lundy launched the service in March 2013. The service is funded through the National Partnership Agreement on Legal Assistance Services.

#### Bridging the distance with Aboriginal communities

Legal Aid NSW published its first *Reconciliation Action Plan* with a two-year strategy for improving access to justice for Aboriginal people in New South Wales. Goals include making sure Aboriginal people can access legal services and protect their rights, and seeking change in the criminal justice system to reduce the over-representation of Aboriginal people through law reform.

Many of our programs address the needs of Aboriginal communities in rural, regional and remote areas as well as metropolitan communities. Over the past five years, locations with regular outreach services for Aboriginal communities have increased from 12 in 2010-2011 to 21 in 2012–2013.

Aboriginal Field Officers (Civil and Family Law) located at Walgett, Coffs Harbour and Campbelltown, working in partnership with the Aboriginal Legal Service (NSW/ACT) Ltd, helped bridge the distance between Legal Aid NSW services and Aboriginal communities in regional areas. Evaluation of their effectiveness is now underway and a report is due in March 2014.

Our strategies for assisting Aboriginal clients are outlined in the *Reconciliation Action Plan 2013-2015* and the *Statement of Commitment* with the Aboriginal Legal Service (NSW/ACT) Ltd. Both are available on our website (*About us/Who we are*).

The regionally-based Cooperative Legal Service Delivery (CLSD) Program – a partnership of public

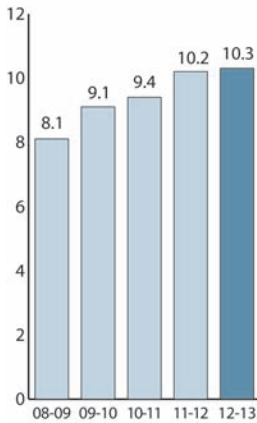


*Liverpool Migrant Resource Centre and Legal Aid NSW – working collaboratively to achieve the best outcomes for mutual clients.*

Photo: Ernest Fratzak



Percentage of total case and inhouse duty services provided to Aboriginal clients  
5-year trend



legal sector, pro bono, community and human services providers – assists disadvantaged client groups in 11 key regions and is committed to reaching Aboriginal communities in particular (see pages 36 to 37 for details). In Law Week, May 2013, Legal Aid NSW and its CLSD partners in the Central West joined forces for a multi-service outreach to Bourke and Brewarrina communities. These communities were selected due to their isolation and high level of need.

Eighteen legal and related agencies took part and over 500 services were provided to Aboriginal clients during the outreach. These included assistance with submitting 280 birth certificate applications for Aboriginal people,

drafting wills, powers of attorney and appointments of enduring guardians, as well as legal advice and assistance with debts and advice on complaints, consumer issues, licences and Centrelink entitlements.

#### ■ YEAR AHEAD

Conduct more regular outreach programs to remote communities that are at risk of social exclusion.

Assist more Aboriginal people to work off their fines debt, using a new DVD *Work and Development Orders – a deadly way to clear your fine debt*.

Evaluate our partnership with SSI to assess whether it has improved access to justice for CALD communities.

Improve the availability of family law services to CALD clients by linking them to a specialist casework service when required.

Expand civil law outreach at Migrant Resource Centres, including more immigration outreach.

Implement key actions from the *Reconciliation Action Plan 2013-2015*.

#### ■ KEY CHALLENGE

Keep finding new ways of expanding our services to people in the community, allowing disadvantaged groups to have better access to justice.

## Meeting our challenges

**Legal Aid NSW is making changes to meet its funding challenges arising from savings measures required by the NSW Government.**

The task of making savings is being shared across Legal Aid NSW.

In response to funding constraints, we put in place measures to increase revenue, including reviewing our collection of contributions from clients and cost recovery policies and processes.

To ensure our services reach the people most in need, Legal Aid NSW applies policies for granting and administering grants of legal aid. Our funding challenges cannot be met without changes to Legal Aid NSW policies to restrict grants of legal aid.

### Major achievements

#### ■ PRIORITY: ACCESS TO JUSTICE

**Policies target those most in need of legal help**

In 2012–2013, Legal Aid NSW amended its policies to ensure they target those most in need of legal assistance and protect fundamental human rights, while also meeting budget savings goals.

Some amendments expanded the scope of our policies, for example:

- *criminal law*: we revised these policies to make legal aid available to applicants opposing an application to the Supreme Court for an extended supervision or continuing detention order under the *Crimes (High Risk Offenders) Act 2006*;
- *family law*: making legal aid available for contravention of parenting order matters; and
- *civil law*: these policies now allow people dependent on drugs or alcohol to access legal aid for some proceedings under the *Drug and Alcohol Treatment Act 2007*.

In other areas we restricted our policies so that, in a time of limited funding, we can continue to provide services to clients who need them most.



Cooperative Legal Service Delivery roadshow participants in the grounds of Bourke TAFE as part of a four-day outreach to Bourke and Brewarrina.

## Client services

Our civil law policies were amended to limit grants of aid for separate representation to people who are the subject of a hearing before the Guardianship Tribunal.

Legal Aid NSW must now be satisfied that it is reasonable to grant aid in these circumstances.

It was also decided that, until further notice, legal aid is not available for:

- State civil law matters for which aid was previously only available to applicants who were at special disadvantage. These include aid for victim's compensation and compensation under the *Motor Accidents Act 1988*.
- Breach of civil liberties matters that fall within the scope of the inquiry by the Royal Commission into Institutional Responses to Child Sexual Abuse or civil litigation proceedings arising from the inquiry. For example, where an applicant is seeking damages for abuse that occurred in institutional care.

Further information on these policies is available on our website [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) (*For Lawyers/Policy Online*).

### New legal services in Manly

While the Manly Legal Aid NSW office closed in 2012, disadvantaged residents gained access to legal services with the advent of free weekly advice clinics in family and civil law matters at Manly Community Centre. This is the first time that Legal Aid NSW has offered civil law services to Manly residents.

Weekly legal advice clinics in criminal law matters were established at Northern Beaches Community Connect in Dee Why.

#### ■ YEAR AHEAD

Improve our contributions policy, and launch a conflict of interest policy and a termination policy to enhance our capacity to deliver quality legal services.

#### ■ KEY CHALLENGE

Achieving innovative and strategic policy solutions to improve efficiency in the challenging funding environment.

### Building our capacity to provide better services

*This year, landmark evaluation and research has provided a rich source of data to help with planning service delivery in the next few years. Legal Aid NSW is already using the results to shape its services.*

#### Major achievements

##### ■ PRIORITY: ACCESS TO JUSTICE

#### Landmark survey provides a clearer picture

We are better placed to understand and respond to legal needs across New South Wales following the report analysing a landmark survey by the Law and Justice Foundation of NSW. The report on legal needs in New South Wales is one in a series of nine that collates the initial findings of a national survey of legal needs – the *Legal Australia-Wide (LAW) Survey*.

*Many people did not see a lawyer, instead seeking help from their general practitioner for 20% of all legal problems.*

Legal Aid NSW and National Legal Aid had a key role in funding and supporting the research project.

In total, researchers interviewed 4,113 people from New South Wales. Based on their responses, the survey report estimates that half the State's population aged 15 years or over – 2.8 million people – experience at least one legal problem in any year. Among this number are 1.3 million people who experience three or more legal problems a year.

Despite the volume and impact of legal problems, there was no 'rush to law'. Respondents sought advice for only half of all legal problems and took no action to resolve 19% of problems. Many people did not see a lawyer, instead seeking help from other sources such as their general practitioner or a health worker.

Consistent with the national picture, the New South Wales findings show that some of the most disadvantaged

NSW Attorney General Greg Smith SC and Treasurer Mike Baird (far right) congratulate members of the Manly Community Centre, home to the new Northern Beaches service.



Photo: Caterina Pacialeo

Federal Attorney-General, Mark Dreyfus QC, State Attorney General, Greg Smith SC and Julie Owens, Member for Parramatta are joined by judicial officers from the Family Law Courts and Legal Aid NSW Executive to launch the report about early intervention duty services.



groups in the community often fare the worst. For example, people with a disability and single parents in New South Wales were twice as likely to experience legal problems.

All nine reports are online at [www.lawfoundation.net.au](http://www.lawfoundation.net.au)

### Early settlement of legal problems pays off

A report launched in March 2013 by the Australian Attorney-General, Mark Dreyfus QC, shows that our early intervention duty services are successfully diverting family law matters from court – de-escalating proceedings between parties and saving court time. The report was independently undertaken by the Law and Justice Foundation of NSW.

The research found that the service, which provides Legal Aid NSW duty lawyers at Parramatta Family Law Courts, is helping more people settle family matters earlier, and often outside of court.

The new service achieved a 160% increase in the number of duty matters dealt with by Legal Aid NSW at Parramatta Family Law Courts since its inception.

In nearly 40% of matters, clients who should not have been going to court were assisted in taking more appropriate action.

### Increasing our reach to clients

A recently completed review by the Law and Justice Foundation of NSW of advice and minor assistance outreach services

provided by Legal Aid NSW shows that we have significantly increased our outreach services in the last three years and that these services are reaching our target clients.

The review found:

- There has been an 84% increase in advice and minor assistance provided through outreach between 2010 and 2012.
- There are 158 active outreach clinic locations, including 13 clinics run as part of the Regional Outreach Clinic Program\*.
- Nearly 80% of all outreach clinics are located in rural and regional New South Wales.
- One third of our outreach clinics are in community centres, 16% in Aboriginal services and 25% in courts or tribunals.
- 13% of all outreach assistance in 2012 was to Aboriginal clients, compared to 6.3% for in-office services.
- 58% of outreach services were provided to people on Centrelink benefits compared to 49% of in-office advice and minor assistance services.

The report also contains useful maps showing the areas of New South Wales where we are providing services and where there are gaps.

The report is available on the Law and Justice Foundation of NSW website [www.lawfoundation.net.au](http://www.lawfoundation.net.au)

*\*This review was published on January 2013. Since then, the number of locations with regular outreach clinics has increased to 164 (see page 6).*

### Evaluating our work

In March 2013, 40 staff from all areas of Legal Aid NSW attended half-day evaluation master classes with senior researchers from the Law and Justice Foundation of NSW.

The aim was to build our capacity for evaluating our work and for testing whether projects are having the desired impact. The classes were practical, with staff nominating projects to be workshopped by their peers with the support of the Foundation. At their conclusion, staff had designed evaluations for several services and projects at Legal Aid NSW and had a range of tools and ideas to apply to other projects.

#### ■ YEAR AHEAD

Develop new initiatives to enhance legal assistance services in response to the *Legal Australia-wide (LAW) Survey*.

Build relationships with health services to develop effective referral pathways.

#### ■ KEY CHALLENGE

Continue developing the evaluation skills of our staff to monitor and evaluate our work in times of scarce funding.

## Client services

### Seizing opportunities

*Innovative thinking is critical in a changing economic climate.*

Despite the difficult funding environment we currently face, our achievements show that Legal Aid NSW continues to be an innovative, creative and forward thinking organisation. Part of that trend was to expand successful projects and capitalise on research findings in order to deliver services to our most vulnerable clients.

#### ■ PRIORITY: ACCESS TO JUSTICE

##### Web conferencing with external partners

Legal Aid NSW carried out a web conferencing trial in 2012–2013 in two stages:

- Stage 1 involved Legal Aid NSW, Community Legal Centre and Aboriginal Legal Service (NSW/ACT) Ltd staff trialling web conference communication between the organisations at a staff level only; and
- Stage 2 involved testing more software options and introducing clients into the trial.

The aim of the trial with external partners was to increase access to legal assistance by people in remote and rural communities, using innovative and cost effective technology.

The trial revealed a high level of interest from Aboriginal Field Officers in using the technology with the communities in which they work; they have become key drivers for the project. However, there were logistical difficulties with providing remote IT and project support and the quality of the web conferencing interface differed across organisations and geographical locations. Nonetheless, Legal Aid NSW found that it was worth pursuing a small trial with motivated partners, especially in locations where face-to-face assistance is limited.

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

##### Exploring culturally responsive approaches to mediation

Cultural responsiveness is particularly important in family mediation involving Aboriginal people and those from culturally and linguistically diverse backgrounds. So that we can best assist these clients, Legal Aid NSW held a forum in May 2013 to hear from academics on the latest research and from our mediation staff on what they learned in the recent alternative dispute resolution pilot. A range of ideas on potential improvements emerged in discussion. Among them were pre-mediation sessions and working with respected community or religious leaders.

##### Court pilot is making a difference

During 2012–2013, Legal Aid NSW completed the pilot of the Apprehended Domestic Violence Order (ADVO) Defendant Duty Service at Mt Druitt Local Court. The purpose was to test the proposition that providing advice and minor assistance to defendants in ADVO matters reduces breaches of the ADVO and therefore promotes safety for victims and children.

The evaluation of the Mt Druitt pilot found that 286 defendants were assisted. Most were male, with 23% identifying as Aboriginal or Torres Strait Islander and 29% as being from a culturally and linguistically diverse background. Most ADVO applications were police initiated and just over a third of defendants had associated charges.

Although there were limitations to the breach data used in the evaluation, the pilot showed a low breach rate for defendants in the second half of the pilot, and no breaches of final orders where orders relating to children were tailored. The evaluation made a number of recommendations about a second pilot, particularly that it measure the impact of a defendant duty service on the safety of victims.

Acting on these findings, Legal Aid NSW formed a partnership with the NSW Bureau of Crime Statistics and Research (BOCSAR) for a second pilot at Burwood Local Court. BOCSAR is independently evaluating the Burwood pilot to measure change in actual breach behaviour by defendants, as reported by their victims.

### *Successful projects delivered services to our most vulnerable clients.*

#### Profiling high legal aid users

A study by Legal Aid NSW analysed the 50 highest users of legal aid services. It found that 80% were children and young people aged 19 years and under, most of whom had their first contact with Legal Aid NSW by the time they were 14 years old.

While 74% of high service users were male, of the 10 highest users, 50% were female. More than three quarters of high service users (82%) were Australian born.

The study results showed this client group suffered a high level of disadvantage. Drug and alcohol use was common, as was the incidence of mental illness.

There appeared to be a strong relationship between high use of legal aid services and abuse or neglect at home. Nearly half of all high service users (46%) had spent time in out-of-home care and more than half (58%) had experienced homelessness.

Most (82%) had been suspended or expelled from school at least once and almost all (94%) had spent time in a juvenile detention centre.

The families of high legal aid service users were also disadvantaged. One third of high service users had a primary carer with a disability such as psychiatric illness or drug and/or alcohol dependence. More than one third had a primary carer who had suffered domestic violence.

The study found that, in addition to Legal Aid NSW, high service users commonly sought help from other agencies for drug and alcohol dependence, mental health issues and homelessness. Their complex needs could not be met by a single service. A compelling case can therefore be made for a new, intensive service that provides targeted legal help to a small group of clients with complex needs while brokering police, mental health, education, housing and other services to support them.

#### ■ YEAR AHEAD

Commence the Burwood pilot for unrepresented ADVO defendants, including early family law advice and post-resolution follow-up, in July 2013.

Expand web conferencing with rural and remote service partners, to enhance the delivery of legal services.

Incorporate the high legal aid user findings into service delivery planning.

#### ■ KEY CHALLENGE

Continuing to develop innovative projects in a difficult funding environment.

## Meeting clients' needs

### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Measuring client satisfaction

This year Legal Aid NSW conducted the biennial client satisfaction survey of clients who received advice and/or minor assistance at one of our offices. It took the form of interviews by an independent company with 535 clients between March and May 2013.

Their findings were that satisfaction with our services remains high. This held for both clerical services, which achieved a satisfaction rate of 95%, and lawyers' services, which had an 88% satisfaction rate. Overall, the 2013 results are better than those achieved in 2011.

#### *We achieved a client satisfaction rating of 91.5%.*

The main cause for dissatisfaction by a small percentage of clients appears to be the limitation on the services that Legal Aid NSW can provide.

The survey report recommended that Legal Aid NSW should 'sustain the resources currently developed to maintain the high level of staff commitment, concern for client needs and respectful treatment of clients, revealed in the survey results'.

### ■ PRIORITY: ACCESS TO JUSTICE

#### Communicating through social media

Legal Aid NSW has been active on Twitter and Facebook since October 2012, with 500 and 300 followers, respectively.

Social media has allowed us to promote our services, workshops, homeless outreach clinics, free divorce classes and child support services. Legal advice was not offered, but referrals were made. We did not post comment or opinions.

A mid-term evaluation of a 12-month pilot found that a social media presence for Legal Aid NSW is valuable because it provides a unique way to communicate quick, responsive and topical information to a targeted audience at a relatively low cost, especially people in regional and remote areas.

The report also found that Legal Aid NSW was reaching its target audience, including councils, libraries, legal centres and government.

The report made a number of recommendations, including targeting Members of Parliament and rural media.

### ■ PRIORITY: ACCESS TO JUSTICE

#### Information for legal aid applicants

We published a new guide to filling out the legal aid application form on our website, which explains in plain language how to complete each of the questions. In producing the guide, we drew on the experience of grants staff who determine applications and know which questions clients find most difficult to answer.

We maintained a strong customer service focus by assisting clients at our Central Sydney office through the grants assist pilot, where staff spend extra time helping clients complete their applications for legal aid. The pilot is due to be evaluated.

#### ■ YEAR AHEAD

Revise our legal aid application form to make it easier for applicants to complete.

Increase the use of social media through greater community engagement.

# Client services

## Highlights from our practice areas

### Criminal law practice

*The criminal law practice provides legal information, minor assistance, duty services and representation in criminal courts at each jurisdictional level across the State. These services operate from our Central Sydney office and 18 regional locations.*

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

The practice offers community legal education throughout New South Wales and contributes to law reform initiatives.

#### ■ FACT FILE

Total staff:	280
Total expenditure:	\$117.813M
State:	\$109.109M
Commonwealth:	\$8.704M
Overall budget spent on criminal law services:	49.9%

### Major achievements

#### ■ PRIORITY: ACCESS TO JUSTICE

##### Prisoners can appeal

The Standard Non-Parole Period Unit completed a systematic review of approximately 1,000 New South Wales sentence matters. This review was in response to a High Court decision (*Muldock v The Queen*) that overturned seven years of sentencing law on the meaning and application of standard non-parole periods. Appeals were prepared for filing in 67 of the most meritorious cases.

##### Sydney Drug Court opens

The practice helped set up the Sydney Drug Court, the third of its kind in New South Wales. Research evidence shows that the Drug Court reduces repeat offending by addressing the connection between drug use and crime, and is also cost-effective.

The therapeutic nature of the Drug Court challenges our lawyers to adapt to a jurisdiction outside the mainstream criminal defence framework. An additional lawyer provided valuable representation for participants of the Sydney Drug Court, which opened on 14 February 2013.

##### Early intervention to reduce domestic violence

With the preliminary evaluation indicating the success of the Mt Druitt pilot for defendants in domestic violence matters, Legal Aid NSW chose a second site – Burwood Local Court – to provide duty and advice services to reduce order breaches. The pilot tested the proposition that early intervention and duty representation of defendants in ADVO matters reduces future legal problems (see page 18 for details).

##### People smuggling offences

The work of the Commonwealth Crimes Unit continued despite falling numbers of people charged with this offence. Following a direction from the Commonwealth Attorney-General regarding the circumstances under which people entering Australian waters were to be charged with people smuggling, the Unit initiated 'release on licence' applications for all legally aided clients previously charged and convicted of this offence. The applications were

thoroughly prepared, and although not successful, demonstrated the commitment of the Unit to pursuing all appropriate and potential remedies for their clients. We also obtained special leave from the High Court to consider the constitutional validity of the mandatory minimum sentencing regime in the *Migration Act 1958* (Cth).

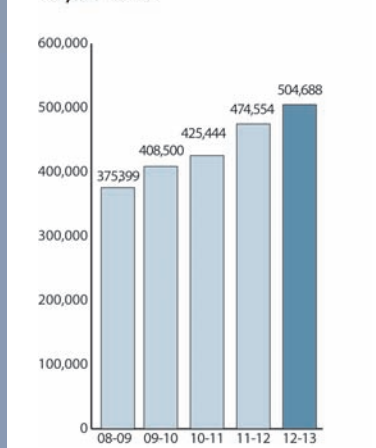
##### Responding to changing laws and amendments

The criminal justice system is undergoing significant review and changes to legislation will affect the conduct of District and Supreme Court trials. Legislation relating to the partial abolition of the right to silence and to mandatory defence disclosure was passed but not proclaimed in 2012–2013. There was significant consultation around these issues, including detailed submissions by Legal Aid NSW. The legislation commenced on 1 September 2013.

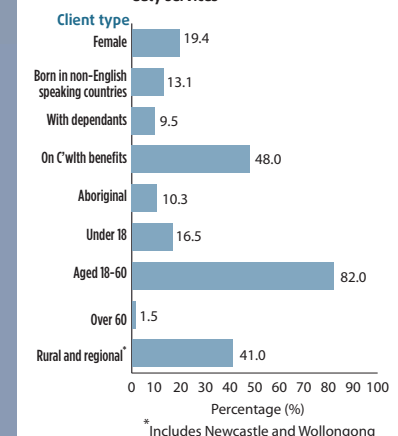
The *Evidence (Right to Silence) Act 2013* affects how we advise clients who are held at a police station awaiting questioning regarding a serious indictable offence. In effect, the changes to the Act mean that people being questioned may attract adverse comment if they do not mention facts that they later rely on at trial.

The *Criminal Procedure Amendment (Mandatory Pre-Trial Defence*

**Total criminal law client services**  
5-year trend

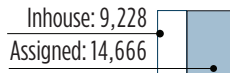


**Criminal law client profile**  
Based on total case grants and inhouse duty services

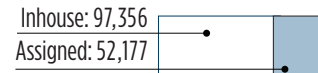


**TOTAL CRIMINAL  
LAW CLIENT  
SERVICES IN  
2012-2013:  
504,688**

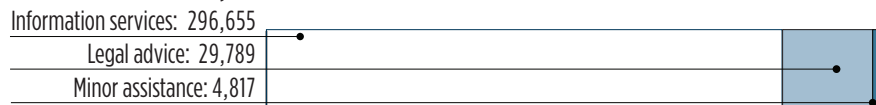
**Total legal representation: 23,894**



**Total duty services: 149,533**



**Total other services: 331,261**



## Criminal law cases: the people we help

### Case 1: When doing the right thing looks wrong

Our client was a 70 year-old man with a terminal illness. Charged with murder, to which he pleaded not guilty, he argued that he had intervened to help a domestic violence victim whom the deceased had dragged outside while holding a knife to her throat. Our submission prior to trial to have the charge discontinued was rejected.

At trial, the judge found that our client was not guilty and had acted solely to protect the domestic violence victim from serious injury and possibly death. 'So far from it being wrong, let alone criminal, it was almost certainly right', said the judge.

### Case 2: Rescue role confirmed

Charged with aggravated people smuggling, our client pleaded not guilty to bringing asylum seekers to Australia. With the assistance of an interpreter, he said that he had been asked to rescue passengers from a boat sinking mid-journey.

Legal Aid NSW obtained statements from passengers on board that supported his account. Navy intercepts and rescue logs also proved that the boat and occupants were in a dangerous situation.

A no-bill application was submitted three months prior to trial. The submission was successful and our client was repatriated to Indonesia.

### Case 3: Successful appeal gains law reform attention

Sixteen years after the death of a man at Fairfield our client was convicted of murder following a jury trial. As the evidence against him was entirely circumstantial, we had argued that there was no case to answer.

On appeal, the court agreed that there was reasonable evidence to support our client's innocence, which made the jury's verdict unreasonable. Our client was acquitted.

The case highlighted the difference between the test for a directed acquittal at trial and the test for overturning a conviction on appeal, attracting the attention of law reformers. Our client spent significant time in gaol because he had to appeal the conviction. There were also additional costs and delays.

*Disclosure) Act 2013* requires the filing of both prosecution and defence disclosure documents with the court before trial. Failure to comply may result in adverse

comment at trial where the accused seeks to depart from, or add to, material not properly disclosed in the defence statement.

The new *Bail Act 2013* has been passed but will not commence until 2014. It uses a risk assessment approach when considering bail.

The *Crimes (High Risk Offenders) Act 2006* was amended on 19 March 2013 to extend the availability of continuing or extended supervision orders for high-risk violent offenders.

Several issues referred to the NSW Law Reform Commission during 2012-2013 may lead to significant legal changes. These include a review of sentencing law, the early identification of guilty pleas in District and Supreme Court trials, the law relating to appeals from decisions of magistrates and judges, and the work of the Parole Authority. Legal Aid NSW has already made detailed submissions regarding the first two references and will respond as required in relation to the other references.

#### ■ YEAR AHEAD

Following the *Muldrock v The Queen*, decision, lodge appeals for prisoners in all matters where legal aid was granted.

Conduct and evaluate a trial of a duty advice service for defendants in ADVO matters.

Develop an initiative to reduce committals for trial and increase, where appropriate, early pleas of guilty.

#### ■ KEY CHALLENGE

Reducing District Court trial backlogs by working with the Office of the Director of Public Prosecutions and the Public Defender's Office to reduce committals for trial and increase appropriate early pleas of guilty.

# Client services

## Family law practice

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

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

The practice also advises on law reform and conducts community legal education.

### ■ FACT FILE

Total staff:	228
Total expenditure:	\$60.089M
State:	\$17.802M
Commonwealth:	\$42.287M
Overall budget spent on family law services:	25.4%

## Major achievements

### ■ PRIORITY: ACCESS TO JUSTICE

#### Service expansion

We increased access to justice through the Family Law Courts duty schemes at Parramatta, Sydney and Newcastle and in 2012–2013 expanded to the Dubbo registry. This resulted in a 10.1% increase in Commonwealth duty services overall. Services increased significantly at two registries – Newcastle (by 21%) and Sydney (by 16%).

Of particular note was the increase in Aboriginal people accessing advice services: advice services (5% increase), minor assistance services (11% increase) and duty services (4% increase).

Legal Aid NSW signed an agreement with Settlement Services International and as a result expanded access to family law services to people from culturally and linguistically diverse backgrounds (see page 14 for details).

## Increasing child support settlements

In 2012–2013, our Child Support Service, with the assistance of National Partnership Agreement funds, focused on the enforcement of child support debts in cases where the Department of Human Services (Child Support) was unable to assist. As a result, many families received child support payments which had been in arrears.

## Mediation for care matters will continue

We concluded our external mediation pilot for care matters referred from Bidura Children's Court, which commenced in late 2010, enabling the parties in dispute to openly discuss care applications in a non-adversarial environment. An evaluation of the pilot by the Australian Institute of Criminology found that it benefited parents and families and that Legal Aid NSW should continue to receive funding for alternative dispute resolution in care proceedings. NSW Attorney General Greg Smith SC and the Minister for Family and Community Services Pru Goward, jointly launched the report.

## Dispute resolution expands to Sydney Registry

Our Family Dispute Resolution Service expanded its highly successful court ordered mediation scheme to the Sydney Registry of the Family Law Courts. The decision to expand was made on

the basis of the excellent results of the Parramatta scheme which saw 172 mediations conducted in 2012–2013. Of these, 44% reached full agreement, saved over 129 days of hearing time, and 44% partial resolution, also saved court time.

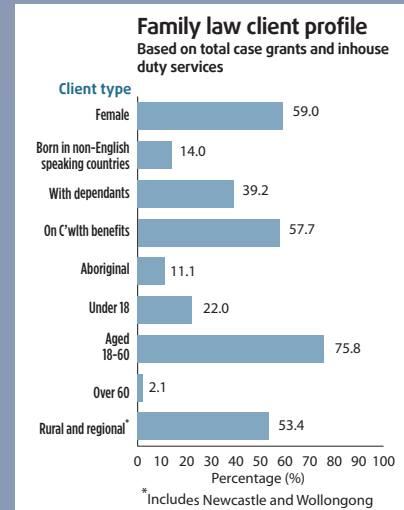
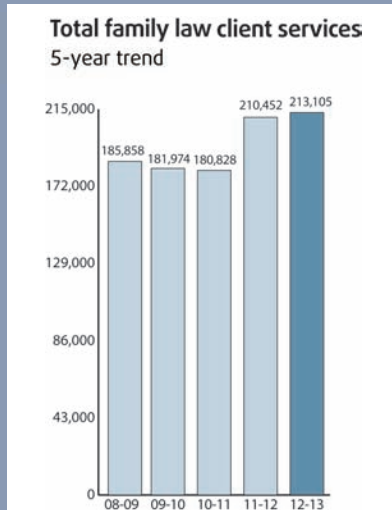
The Service conducted 2,605 mediations, achieving a full or partial settlement rate of 81%, a slight increase on the 79.4% rate of the previous year.

Our CALD family dispute resolution panel members conducted 109 mediations. Fifty-nine mediations were also conducted in care and protection matters.

We increased the number of Aboriginal people accessing our services via community legal education for Aboriginal families.

## Responding to changing laws and amendments

The child protection area is undergoing a major review that will impact on practice and procedure in the care and protection jurisdiction. The legislative amendments will see a greater focus on the provision of services to vulnerable families at an earlier point, the introduction of a new hierarchy of permanent care options for children, an expansion of alternate dispute resolution and deadlines on the length of time to decide whether a child can be restored to their family. Legislation is likely to go before Parliament in October but it will not commence until at least 1 July 2014.





**TOTAL FAMILY LAW  
CLIENT SERVICES IN  
2012-2013:  
213,105**

**Total legal representation: 12,728**

Inhouse: 2,594  
Assigned: 10,134

**Total duty services: 9,219**

Inhouse: 7,253  
Assigned: 1,966

**Total other services: 191,158**

Information services: 146,259  
Legal advice: 30,138  
Minor assistance: 14,761

**Family law cases: the people we help**

**Case 1: Persistent action sees safe return of young girl**

Legal Aid NSW acted for a young mother with a history of epilepsy, depression and anxiety. Her former partner was a chronic cannabis abuser and also suffered mental health problems.

She left her abusive relationship and her child in Western Australia (WA) to recover, until her mental health had stabilised.

Back in New South Wales, she was contacted by her six-year-old daughter's school concerned about her absenteeism, physical abuse and neglect.

Proceedings were commenced to recover the child. However, enquiries revealed that the father had left his residence and had been missing for several weeks. With the assistance of banks, Department of Education and the Australian Federal Police, the child was located and placed with the WA, Department of Child Protection until the mother was able to fly to WA to collect her.

The child has now settled with her mother and her brother, is engaged in counselling and doing well in her new school.

Prompt action and the ability to use intelligence links with the various government agencies in WA all contributed to securing a positive outcome for mother and child.

**Case 2: Surrogate twins claim their identity**

Reproductive technology, while a boon for childless people, can later create a legal and ethical minefield for everyone involved.

Legal Aid NSW acted as the Independent Children's Lawyer (ICL)\* in a case where a man and a woman were seeking orders about parenting arrangements and declarations about the parental status of twins born of a surrogacy arrangement. The children were conceived in Thailand by a surrogate mother implanted with an egg from an anonymous donor.

In arriving at a decision, the court applied the best practice principles for surrogacy matters formulated by our ICL team and adopted by the Australian Human

Rights Commission to guide future applications of this nature.

The judge said:

*'...it is only as a consequence of the diligent approach adopted by the ICL...that much of the evidence required to determine the children's identity and their best interest was obtained. So that it is clear, without the investigations undertaken by the ICL for all the court knew, the children may have been victims of child trafficking...'*

*\*The Independent Children's Lawyer represents the child in family law matters and helps the court to reach a decision that is in the child's best interests.*

**Case 3: Early intervention protects a valid marriage**

Mary (not her real name) approached a lawyer at a Migrant Resource Centre. Born in Iraq and a devout Muslim, Mary has been married for over 20 years and has seven children over the age of eight.

Her problem was unusual. Her husband moved out of the matrimonial home in late 2011 with his brother – telling Mary he needed his own space but wanted to maintain the relationship. He visited daily to eat dinner, shared finances and continued their intimate relationship.

In March 2013, Mary's husband announced that he was applying for an Australian divorce so he could marry another woman from overseas. However, he wanted to maintain his relationship with her. Mary was served with an Application for Divorce by her husband's lawyers.

The Legal Aid Early Intervention Unit helped Mary to respond to the divorce application on the basis that no legal separation had taken place. The application was dismissed.

**■ YEAR AHEAD**

Respond to major reforms in the child protection jurisdiction through training, a fee scale review and expansion of our early intervention services.

Improve the participation of children in family law matters by updating resources, increasing training for child representatives and implementing improvements based on the Australian Institute of Family Studies report on Independent Children's Lawyers.

Make family mediation services more accessible for Aboriginal families through community outreach, training and process changes.

**■ KEY CHALLENGE**

Providing high quality family law services in a difficult environment demanding quick and effective adaptation and fiscal constraint.

# Client services

## Civil law practice

*The civil law practice provides legal advice, minor assistance, duty and casework services to people through the Central Sydney office and 15 regional offices. It has expertise in delivering cost-effective services to disadvantaged communities in a broad range of 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 the big issues that impact most on disadvantaged communities, including tenancy and housing, debt, employment, social security, refugee and migration issues and access to essential social services.

The practice directs its services to 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:	140
Total expenditure:	\$30.712M
State:	\$20.751M
Commonwealth:	\$9.961M
Overall budget spent on civil law services:	13.0%

## Major achievements

### ■ PRIORITY: ACCESS TO JUSTICE

This year the practice expanded services to Aboriginal and culturally and linguistically diverse communities by strengthening partnerships with key organisations such as the Aboriginal Legal Service (NSW/ACT) Ltd and the Mt Druitt Aboriginal Medical Service. The focus was on regions where there are significant gaps in civil law services, including Far Western and North Western New South Wales. A new partnership with

Settlement Services International provided greater access to civil law services in Migrant Resource Centres.

### Privacy for sexual assault victims

In its first full year of operation, the Sexual Assault Communications Privilege Service provided legal representation in 122 matters where complainants asserted the sexual assault communications privilege (SACP), that prevents use of their confidential medical and counselling records in court, unless it is in the public interest. Additionally the service provided specialist legal advice and information to 83 organisations such as health practitioners and lawyers.

### Clients clear debt

The Work and Development Order Service has had great success helping clients work off fines debt and signing up new sponsor organisations. Over \$7.5 million was cleared in 2012–2013, compared to \$2 million the previous year. Since commencement of the WDO Scheme, over \$29 million in outstanding fines has been approved for management, with WDOs provided at nearly 1,000 locations across NSW including community organisations, charities, Aboriginal organisations, government services and with registered health practitioners.

A joint 12-month project with the Consumer Credit Legal Centre to assist vulnerable people with difficulties arising from payday

loans or short-term credit, provided over 200 advice and minor assistance services. More broadly, the project raised public awareness about alternatives to short-term, high-cost credit and how to pursue sustainable credit options.

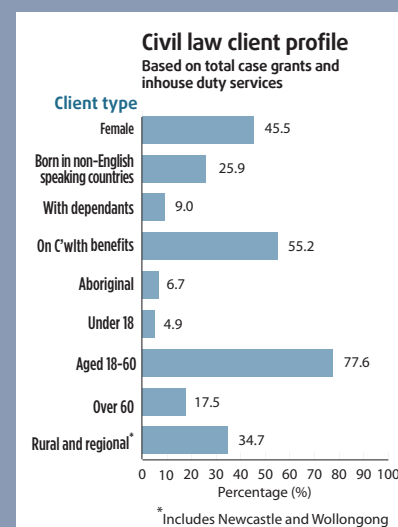
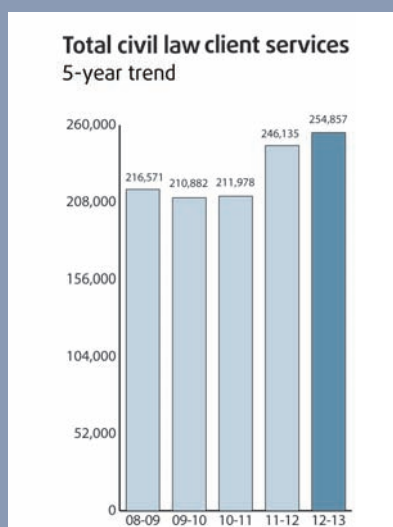
### Other initiatives

The practice also responded to natural disasters including the floods and fires that occurred at the beginning of 2013. Legal Aid NSW is now listed in the 2013 *NSW Disaster Recovery Guidelines* as the agency responsible for providing legal and advocacy services.

A new service which represents clients who have their permanent residence visas cancelled under section 501 of the *Migration Act 1958* (Cth) on character grounds by the Department of Immigration and Citizenship, has had a high success rate in the Administrative Appeals Tribunal. The Tribunal set aside decisions to cancel our clients' permanent visas in 85% of matters and they have been able to remain in Australia with their children and families. The service also had success in an appeal to the Federal Court on the grounds of an error at law.

The practice worked successfully with Marrickville Legal Centre in relation to the emerging issue of fines imposed in private car parks.

More people were assisted at an early stage at the Veterans' Review Board and as a result fewer matters went to the Administrative Appeals Tribunal.



**TOTAL CIVIL LAW  
CLIENT SERVICES IN  
2012-2013:  
254,857**

**Total legal representation: 1,378**

Inhouse: 790  
Assigned: 588

**Total duty services: 13,436**

Inhouse: 2,743  
Assigned: 10,693

**Total other services: 240,043**

Information services: 190,829  
Legal advice: 32,297  
Minor assistance: 16,287

## Civil law cases: the people we help

### Case 1: Discrimination case against bowling club

Our client proved a bowling club in a remote town in New South Wales discriminated against her on the grounds of her Aboriginality. She was suspended for two years from the Club for a relatively trivial matter. Bowling clubs are often the focal point for social and sporting activities particularly in small towns.

The Tribunal found that the bowling club applied a very harsh penalty to our client in a highly subjective manner for a relatively trivial matter for which there was no prescribed penalty and it constituted discrimination under the *Anti-Discrimination Act 1977*. This was an important case, which tested the application of discrimination law to these sorts of situations.

### Case 2: Elderly client holds onto her home and independence

A 90-year-old client was assisted by a legal aid homeless outreach lawyer. Our client had transferred ownership of her home to her daughter in circumstances involving fraudulent and false misrepresentations. Our client stated that she had been subjected to financial and emotional elder abuse for many years.

A short time after the home transfer, her daughter mortgaged it. A few months later, while our client was in hospital recovering from an operation, she was told by her daughter that she could not return to the home, leaving her homeless.

Legal Aid NSW lodged a caveat on title to protect our client's interest in the property. The other party immediately lodged a section 74J notice under the *Real Property Act 1900* which meant that 21 days after service of that notice the caveat would lapse unless we obtained a Supreme Court order extending the operation of the caveat.

At the Supreme Court hearing, Legal Aid NSW was successful in keeping caveat on title and a costs order was made against the daughter.

A Statement of Claim was soon filed. At court-ordered mediation, the parties agreed on settlement terms. The property was sold with our client receiving the vast majority of sale proceeds.

### Case 3: Precedent set for exploited farm caretakers

Legal Aid NSW has recently won a significant victory in the Fair Work Commission (previously Fair Work Australia).

Our client was a caretaker/farmhand on a property. In exchange for accommodation only, our client lived rent free on the property and worked for the owner.

When our client agreed to the arrangement, he understood that he would work around two days a week. However, he was soon working up to six days a week, sometimes more. It was impossible for our client and his wife to leave the farm because of their real poverty and fear of homelessness.

The exploitation continued for years. Our client was dismissed on the spot after an argument. He and his wife had to borrow money and live with friends until they could move into social housing.

In the Fair Work Commission the owner argued that our client was a caretaker/contractor not an employee, and that our client was therefore not dismissed.

However, at the hearing we were successful in establishing that our client was an employee.

The judgment sets a precedent that farm caretakers who work for accommodation are 'employees'.

#### ■ YEAR AHEAD

Pilot an expansion of civil law advice and duty services to targeted Tribunals.

Develop a disaster recovery response plan to provide rapid response services to people affected by floods and fires.

Pilot and evaluate a new 'check-up' tool in targeted locations to reduce the risk of homelessness for disadvantaged people.

#### ■ KEY CHALLENGE

Delivering innovative, cost-effective legal services that make a difference to disadvantaged communities in New South Wales.

# Client services

## Integrated services

*We work in an integrated setting to make sure our clients receive holistic support and are linked to other services that can assist them.*

### Major achievements

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Working with health and housing services

We engaged an independent company to evaluate our involvement in two cross-agency homelessness projects in the Riverina and Newcastle funded under the *NSW Homelessness Action Plan*. Legal Aid NSW legal services to homeless people are operating in an integrated setting with health and housing services. The evaluation found our service to be highly effective in resolving legal problems, while also providing support and building the capacity of other workers.

As noted in the evaluation report:

*The case studies and interviews show that the assistance provided by each solicitor to resolve legal problems frequently had a profound effect on the client's health, housing or other circumstances. (Matrix on Board, Evaluation of the legal component of the Riverina Interagency Homelessness Project and Reaching Home Newcastle).*

Legal Aid NSW has received funding for another year to continue services to homeless people. The next step will involve developing integrated services with NSW Health and Centrelink.

## Meeting complex client needs

The Client Assessment and Referral Service (CARS) of Legal Aid NSW works collaboratively with lawyers to ensure the best possible outcomes for clients. The Service identifies how clients' psychosocial difficulties impact on their legal problems. A psychosocial assessment can then be written for court and the clients referred to other services for assistance, allowing them to begin to address their problems.

### PRIORITY: ACCESS TO JUSTICE

In 2012–2013, CARS assisted 577 clients, completing 362 assessments and writing 238 psychosocial reports for court. It made 227 referrals on behalf of clients to other agencies for assistance.

## Clearer referral pathways

Last year, Legal Aid NSW established the Information and Referral Strategy to create clear referral pathways for clients and end the 'referral roundabout' that many experience. The Information and Referral Strategy provides a framework for information and referral activities across Legal Aid NSW and is one of several initiatives to improve the provision of legal information and referral services for clients.

Regular communication and collaboration with LawAccess NSW ensures that referrals from LawAccess NSW to Legal Aid NSW are appropriate. Legal Aid NSW provides LawAccess NSW with regular training and detailed, up-to-date information about services

including eligibility guidelines. Legal Aid staff attend training about LawAccess NSW services, and there is a mechanism for identifying and dealing with inappropriate referrals.

### ■ PRIORITY: LINKING SERVICES

#### Clients with mental illness/ intellectual disabilities

Many people with mental illness, intellectual disability or acquired brain injury who are facing criminal charges can be diverted from the criminal justice system under section 32 of the *Mental Health (Forensic Provisions) Act 1990*.

In response to the needs of clients under 25 years with cognitive impairment, CARS launched a pilot in 2010 to assist lawyers with section 32 reports, including treatment planning for the client and ongoing case management. The pilot, conducted with the Intellectual Disability Rights Service, was evaluated in 2012–2013.

The evaluation found overwhelming evidence to support the provision of intensive case management for diversionary measures under section 32. Overall, 85% of clients successfully completed their order and, after 12 months, 62% of these had not re-offended. The other main findings were the need for proactive case management in collaboration with the client, their family and other professionals, and the importance of referral follow up to ensure clients were receiving help from community-based service providers.

## Case: Integrated support changes lives

A young man, estranged from his family, and experiencing chronic drug and alcohol problems, faced eviction from public housing for assaulting another resident.

Psychosocial assessment by a Legal Aid NSW social worker established that he had an underlying mental health issue untreated since adolescence. In the absence of proper treatment, the young man was self-medicating with drugs and alcohol.

The assessment highlighted the need for psychiatric treatment, which has since started, while the psychosocial report assisted in his eviction appeal. Housing NSW subsequently re-housed the young man in accommodation that better met his needs and his criminal case was dealt with under s32 of the *Mental Health (Forensic Provisions) Act 1990*.

Our client has not relapsed; he remains in stable housing, complies with his treatment plan and sees his psychiatrist regularly.

### ■ YEAR AHEAD

Develop integrated services with NSW Health and Centrelink.

Conduct an independent evaluation of the Client Assessment and Referral Service (CARS).

Develop referral protocols to support the delivery of legal services to Aboriginal clients.

Work with Aboriginal women on removing barriers to obtaining sustainable accommodation on release from custody.

### ■ KEY CHALLENGE

Developing innovative service responses for clients with complex needs.

## Community legal education

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

CLE helps people anticipate and avoid legal problems, act more quickly when problems do occur and deal with legal issues more effectively through knowing when and where to get expert help. CLE covers a wide range of activities aimed at increasing legal capability. It 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.

Our CLE program in 2012–2013 was guided by priorities in the *Legal Aid NSW Plan 2011–2013*.

### Major achievements

#### ■ PRIORITY: ACCESS TO JUSTICE

The CLE program provides innovative training for priority client groups in response to emergencies such as natural disasters and structured programs for community sector staff working with socially and economically disadvantaged people.

### Highlights included:

- Implementing our *Best for Kids* education strategy for families going through separation. The education strategy included targeted workshops for community workers, a website ([www.bestforkids.org.au](http://www.bestforkids.org.au)) with videos captioned in Arabic, Chinese and Vietnamese, interactive guides and links to legal and non-legal services, and dedicated social media channels on YouTube, Facebook and Twitter.

- Rolling out our *What's the law: Australian law for new arrivals* education kit for English language teachers to use with newly arrived migrants. The roll out included train-the-trainer workshops for teachers, tutors and community workers in using the DVD along with the 10 photo stories, teachers' notes and student activity sheets and dedicated YouTube channel.
- Implementing an education strategy to help community workers identify civil law problems. The strategy used tools including the DVD *Law for everyday life*. A total of 50 workshops were conducted, including 16 sessions for Aboriginal workers. A total of 532 community workers attended.
- Presenting 90 workshops about sexting and cyber bullying for young people in schools and youth centres. The workshops were focused on areas with a high Aboriginal population. A total of 2,116 young people attended.
- Continuing to roll out our education strategy about State debt and Work And Development Orders (see page 14). We conducted 204 CLE sessions and produced client resources including a plain English brochure.

- Working together with the Greater Sydney Family Law Pathways Network to introduce a CLE program on the family law system for Aboriginal communities in metropolitan Sydney and the Illawarra region.

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

Excellence in CLE services is pursued through a focus on planning, professional development and project evaluation.

### Highlights included:

We collected and analysed feedback from 1,420 workshop participants and conducted 140 follow-up surveys three months after workshop participation in evaluating *Law for Community Sector Workers* and *What's the law? train the trainer* workshops. Ninety-seven percent of respondents indicated that the education kit *What's the law?* was a useful tool to provide information about legal issues.

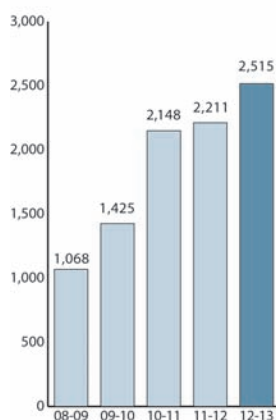
An English language teacher's response to a follow up survey about *What's the law? Australian law for new arrivals*, train-the-trainer workshop: *'Always positive, my students are really interested because they come from diverse backgrounds and the system here is so different, especially in relation to police.'*

#### ■ PRIORITY: SUPPORTING OUR PEOPLE

We began the process of incorporating data from our CLE management system (CLEMS) into the Legal Aid NSW business intelligence tool to enable better planning and reporting on targeted education programs. CLEMS data will become available through the BI tool during 2013–2014.

Fifty-two staff attended professional development activities, including two sessions on project management, to improve the quality of CLE.

**Total community legal education sessions**  
5-year trend



## Client services

Participants at a Law for Community Workers workshop, facilitated by lawyer Lee Critchley, learn about wills, planning ahead and where to refer clients for legal help.



### ■ 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 a program for delivery in 2013–2014 in collaboration with Corrective Services NSW and the Public Interest Advocacy Centre, Women's Legal Services, Warringa Baiya Aboriginal Women's Legal Centre and Hawkesbury Nepean Legal Service, developing female

prisoners' language, literacy and numeracy skills through legal education.

- Forming a strategic partnership with Settlement Services International to deliver legal services, including CLE, to newly arrived migrants (see page 14).
- In collaboration with Fair Trading NSW and the Australian Securities and Investments Commission, developing and delivering CLE to Aboriginal community workers about funeral plans and products.

### ■ PRIORITY: ACCESS TO JUSTICE

New resources helped people understand their rights and entitlements and deal with their legal problems.

- **Employment problems: spot the signs** gives information to employees on where to go for help with employment issues.
- **Acting early in family law** helps Aboriginal people sort out family law issues early, before they become serious.
- **There's a better way than payday loans** assist people who have expensive, short term loans that are hard to repay.



### ■ YEAR AHEAD

Develop new multimedia resources for young people and families.

Increase community legal education to Aboriginal people and organisations.

Pilot and evaluate tools to help reduce homelessness and disadvantage.

Develop a new video resource in Auslan.

Explore our capacity to deliver CLE via web conferencing technology.

Commence the legal literacy program in prisons.

### ■ KEY CHALLENGE

Improve the quality of community legal education services through collaboration and better use of technologies.

## Client diversity

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

Legal Aid NSW developed an innovative *Diversity Action Plan* for 2013–2014, which replaces the *Multicultural Action Plan* and *Disability Action Plan* of previous years and targets a broader group, including older and younger people and those living in rural and regional areas.

### ■ FACT FILE

Percentage of case and inhouse duty clients born in non-English speaking countries	13.6%
Amount spent on interpreters and translations	\$1,208,604

### 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 and community legal education sessions. Expenditure on these services for the year was \$1,208,604.

Legal Aid NSW also contributed \$44,282 to the cost of interpreters in Community Legal Centres.

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

Legal Aid NSW staff improved their understanding of different cultures through education about new communities of migrants who have arrived in Australia in the last 10 years under the humanitarian migration program. Partnerships with the Iranian, Iraqi, Afghan and African communities enabled staff to undertake training delivered by community members. New practical resources further supported staff working with migrants from these cultures.

### ■ PRIORITY: LINKING SERVICES

People from culturally and linguistically diverse communities have easier access to legal assistance with Legal Aid NSW lawyers providing legal advice services onsite at eight Migrant Resource Centres across Sydney, the Central Coast and Wollongong. (see page 14 for details).

### Disability Action Plan

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

### Major achievements

#### ■ PRIORITY: ACCESS TO JUSTICE

The Deaf community can now access information about Legal Aid NSW services through an Auslan video on the website. Clients with intellectual disability can use a pictorial brochure to learn about obtaining and complying with an order under section 32 of the *Mental Health (Forensic Provisions) Act 1990*.

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

The Disability Casework Project helped to divert young people with intellectual disability or acquired brain injury from the criminal justice system through enhanced assessment and referral services. Results are available on page 26.

#### ■ PRIORITY: LINKING SERVICES

Legal Aid NSW partnered with the Australian Network on Disability to present *Becoming Disability Confident*, a disability awareness course for staff. The training offers practical information and strategies to help staff work more effectively with clients with disability.

#### ■ YEAR AHEAD

Provide resources and training to assist staff working with people from new and emerging migrant communities.

Implement the *Diversity Action Plan* for 2013–2014.

#### ■ KEY CHALLENGE

Developing strategies to respond effectively to the findings of the Law and Justice Foundation's *Legal Australia-Wide (LAW) Survey*, particularly in relation to the legal needs of people with disability.

## Contributing to law reform

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

We are regularly invited to contribute our expertise, which is grounded in legal practice, to the development of legal and public policy.

Law reform submissions are an important way for Legal Aid NSW to contribute to the development of legal and public policy. They provide the opportunity to comment on how changes to the law or government policies may impact on our clients, our resources or the functions of Legal Aid NSW.

In 2012–2013, the Legal Policy Branch coordinated 35 submissions on law reform references, proposed legislation and reviews of legislation. See Appendix 8 for details. Our staff also participated in a number of interagency policy and law reform committees.

### Major achievements

#### ■ PRIORITY: ACCESS TO JUSTICE

### Civil law

This year Legal Aid NSW contributed to the review of the *Mental Health Act 2007*. The recommendations should be known later in 2013 and may include changes to the legislation that could significantly affect our clients and their carers.

Legal Aid NSW was represented on a reference group charged with establishing the NSW Civil and Administrative Tribunal and advised on the legislative framework for this new consolidated tribunal.

We gave evidence to a Senate Committee inquiry into the National Disability Insurance Scheme following earlier written submissions. We supported the proposed legislation but highlighted areas requiring further consideration, including the need for appeal processes to ensure fairness and transparency.

Legal Aid NSW continues to contribute strongly to insurance law reform and the ongoing development of consumer protection legislation.

### Criminal law

In 2012–2013, Legal Aid NSW made detailed submissions to a number of important inquiries which may lead to significant changes in criminal law. These included an extensive review by the NSW Law Reform Commission into sentencing law. We were also represented on two interagency committees established to determine the government response to the Law Reform Commission's report into people with cognitive and mental health impairments who come into contact with the criminal justice system.

### Family law

We responded to a discussion paper from the Minister for Family and Community Services proposing wide ranging changes to legislation, policy and practice in care and protection. Some of the proposed reforms, such as giving the Children's Court power over adoptions, would, if implemented, significantly change the current legislation and significantly affect the lives of our most vulnerable and marginalised clients.

Legal Aid NSW made a comprehensive response to the majority of proposals, drawing on its extensive practical experience in helping New South Wales families and children subject to care and protection orders. We have since met with the State Government and other significant stakeholders and will consider the draft Bill when released.

#### ■ YEAR AHEAD

Work collaboratively on law reform, including the development of alternative sentencing options to divert vulnerable defendants from the criminal justice system.

Implement State Government reforms in relation to the law of bail.

#### ■ KEY CHALLENGE

Making a valuable contribution to law reform within existing resources by identifying issues where our input can be most effective.

## Section 2

# Collaborating with our partners

More effective working relationships with other service providers

### CONTENTS

<b>Key partners at a glance</b>	<b>31</b>
<b>Private lawyers</b>	<b>32</b>
<b>Community programs</b>	<b>34</b>
<b>Regional partnerships</b>	<b>36</b>
<b>Aboriginal community partnerships</b>	<b>38</b>
<b>Justice forums</b>	<b>39</b>
<b>Training and resourcing our partners</b>	<b>41</b>

### Major achievements

- Increased the number of lawyers on panels to 4,290 – 9.5% more than last year.
- Initiated a review of our panel lawyer audits in response to changing business practices.
- Participated in State Government Domestic and Family Violence Reforms and NSW Domestic Violence Justice Strategy.
- Set up new legal outreach clinics in the remote Aboriginal communities of Toomelah and Boggabilla.
- Established through independent evaluation that the Cooperative Legal Service Delivery Program has strong stakeholder support.
- Held a successful series of Aboriginal Cultural Competency workshops for private lawyers working with Aboriginal clients.



## Key partners at a glance

We work closely with legal and non-legal service providers to improve access to legal services for disadvantaged communities.

### Private lawyers

*Private lawyers provided 42.9% 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 32).

### LawAccess NSW

*LawAccess NSW referred 63,119 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 NSW 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 2012–2013 were debt, family law parenting arrangements, property settlement, apprehended domestic violence orders, wills, neighbours, and car accidents.

### National Legal Aid (NLA)

*Launched the Legal Australia-Wide (LAW) Survey of people and their legal problems, which subsequently highlighted the extent and severity of unmet legal need in Australia.*

National Legal Aid is comprised of the directors of the eight independent legal aid commissions in each of the Australian states and territories (see page 39).

### NSW Legal Assistance Forum (NLAFF)

*Worked with the Ministry of Police and Emergency Services to formalise the role of Legal Aid NSW and the legal assistance sector in disaster recovery arrangements.*

This forum brings together the agencies responsible for legal aid services to collaborate in targeted working groups on improving legal services for disadvantaged people in New South Wales (see page 40).

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

*Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd signed a new Statement of Commitment for the next two years.*

Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd 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 39). The Aboriginal Legal Service is also a member of the Legal Aid NSW Aboriginal Justice Committee (see pages 38 to 39).

### Cooperative Legal Service Delivery (CLSD) Program

*An independent evaluation found strong support for the program.*

The program is a regionally based approach to legal service delivery. It develops partnerships between regional legal, community and government agencies that increase collaboration between legal assistance and related services (see page 36).

### Community Legal Centres (CLCs)

*A joint Legal Aid NSW/CLC project educated young people in the appropriate use of social media, mobile phones and the internet.*

Legal Aid NSW administers funding to 36 generalist and specialist Community Legal Centres in New South Wales (see page 34).

### Women's Domestic Violence Court Advocacy Program (WDVCAP)

*This year the program assisted over 21,000 clients at 108 Local Courts across New South Wales.*

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 page 35).



Photo: Penny Clay

*Legal Aid NSW and the Aboriginal Legal Service (NSW/ACT) Ltd celebrated National Reconciliation Week together, and signed a new Statement of Commitment.*

# Collaborating with our partners

## 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 2012–2013, private lawyers provided 42.9% 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

Total staff:	70
Total applications for legal aid:	46,759
- in criminal law:	27,012
- in family law:	17,381
- in civil law:	2,366
Appointments on 13 panels:	4,290
Percentage of legally aided case and duty services provided by private lawyers:	42.9%

## Major achievements

### ■ PRIORITY: ACCESS TO JUSTICE

#### Private lawyers serve on specialist panels

Most 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 and criminal appellate matters.

In 2012–2013, we made 372 more appointments to our panels, bringing the total number of appointments on all panels to 4,290, which is 9.5% 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 assist eligible clients appearing at courts throughout the State.

We also completed the first round of reappointments for panel lawyers whose five-year memberships expired in 2012–2013. Two hundred and sixty members were reappointed to the General Family Law Panel, 100 to the Care and Protection Panel and two to the Veterans' Law Panel.

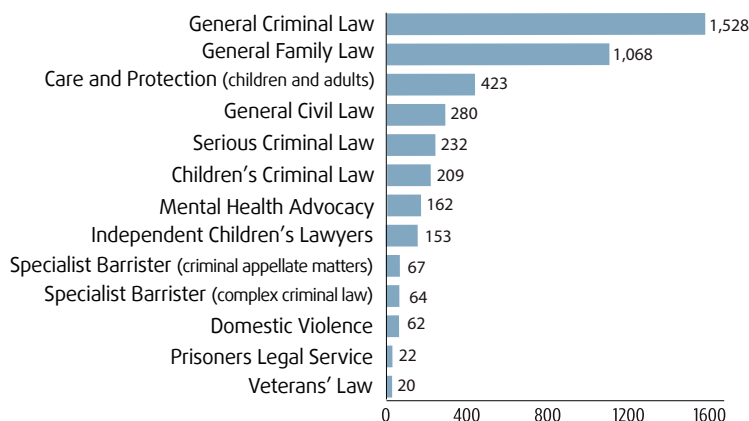
The Specialist Barrister Panel for Criminal Appellate Matters began operating in September 2012. The 67 barristers appointed to the panel are eligible to be briefed in criminal appeals in the Court of Criminal Appeal and the High Court by lawyers in legally aided matters.

With the introduction of the new panel, we revised our fee scale for criminal appeals matters and implemented a new application template in Grants Online.

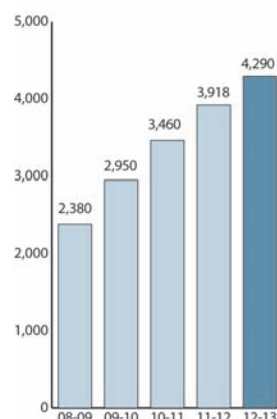
After 12 months of operation, the Specialist Barrister Panel for Complex Criminal Law Matters was reviewed by a team comprising senior Legal Aid NSW staff and nominees from the Law Society of New South Wales and

*The number of lawyers on panels increased to 4,290—almost 10% over last year.*

Private lawyer appointments on panels 2012-2013



Lawyer appointments on panels 5-year trend



the NSW Bar Association. The review team made a number of recommendations, including increasing the cap to allow a number of new appointments and maintaining a ranked order of merit list for barristers eligible for appointment to the panel if a place becomes available. These recommendations were adopted for the reopening of the panel to new applicants.

### Major achievements

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

##### Supporting panel members

In reappointing panel members, we reviewed the panel selection process and panel documents, augmenting the process by revising selection criteria to give selection committees more information on applicants to determine panel eligibility.

We revised and streamlined both the service agreement and practice standards by including standardised sections to ensure better compliance by panel lawyers. New versions of the documents are available on the *For Lawyers/Panels Audit and Practice Standards* section of the website.

Non-metropolitan private lawyers on Legal Aid NSW panels attended seminars to learn about legal aid policies, including recent policy changes, grants processes, and obtaining the correct grant for their clients. One hundred lawyers attended seminars at five locations – Armidale, Byron Bay, Coffs Harbour, Batemans Bay and Bega.

##### Maintaining professional standards

The audit strategy assists in monitoring panel lawyers' adherence to the requirements of the Legal Aid NSW service provision agreement and compliance with our practice standards, policies and guidelines.

Audit activities in the first half of 2012–2013 concentrated on the General Criminal Law and General Family Law panels, with 218 panel lawyer files audited. The main findings continued to be unsupported claims and failure by panel lawyers to retain the client's signed legal aid application or financial documents on their files. Although audits focus on education, Legal Aid NSW may take action, including requesting refunds, where breaches of the service provision agreement are found. If particularly serious breaches occur, we consider whether the practitioner should remain a panel member.

The major finding of an audit of 65 panel lawyer care and protection files was that lawyers did not formally record evidence for claims relating to preparation of court documents and attendances at defended hearings. As a result, Legal Aid NSW will clarify policies for the fee rates for preparing court documents.

In response to changes to our business practices, we are reviewing the audit strategy. The review, which should be completed early in the new financial year, will be informed by the findings of spot check audits on claims for variable units by panel lawyers, which began at the end of 2012–2013.

##### Monitoring breaches of agreements

During 2012–2013, the Monitoring Committee considered apparent breaches of panel service agreements by seven panel lawyers for 12 panels. It found that five panel lawyers had breached their service agreements with Legal Aid NSW for eight panels and recommended the removal of three lawyers from six panels.

### Major achievements

#### ■ PRIORITY: LINKING SERVICES

##### Communicating with panel lawyers

In a continued effort to assist panel lawyers with meeting their responsibilities we developed:

- the *Information for Panel Lawyers* brochure;
- the *Key issues for Panel Lawyers* web page summarising the most common audit and complaint issues and how to avoid them;
- the guide to claiming fees web page detailing proforma invoices, the types of fees payable and submitting claims; and
- a monthly online newsletter, *Legal Aid News*, informing panel lawyers about important changes to panels procedure, new Legal Aid NSW services, professional development opportunities and changes to the law.

#### ■ YEAR AHEAD

Complete the review of the panel, documents and selection process for the General Criminal Law Panel—the largest Legal Aid NSW panel, Independent Children's Lawyer panel and other panels.

Complete a new online panel application system for private lawyers to apply to panels.

Finalise the spot check audits of at least 250 variable unit claims.

Finalise the review of the audit strategy to determine future priorities.

Implement a pilot to share practice-based resources with the private profession.

#### ■ KEY CHALLENGE

Ensuring maximum available resources are allocated to panel lawyer audits by achieving greater efficiencies through streamlined processes for panel appointments.

# Collaborating with our partners

## Community programs

### Community Legal Centres Funding Program

*Legal Aid NSW administers the State, Commonwealth and Public Purpose Fund funding for 36 Community Legal Centres (CLCs) throughout New South Wales, including Community Legal Centres NSW (CLCNSW), the peak representative body.*

CLCs provide free legal services targeted to meet the needs of disadvantaged people. More detailed information about the 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

36 centres assisted 52,193 people

Provided 62,719 advices to clients

Opened 8,930 new cases and completed 8,995 cases

Of the completed cases, 1,264 were major cases (complex/lengthy matters)

Delivered 1,262 CLE programs

Made 6,071 referrals to Legal Aid NSW

Received 3,067 referrals from Legal Aid NSW

#### ■ FUNDING IN 2012–2013

A total of \$17,354,552 was paid to CLCs through the program comprising:

\$9,111,307 in Commonwealth Government funding (52%)

\$5,524,227 in State Government funding (32%)

\$2,719,018 in Public Purpose Fund (PPF) funding (16%)

*Note: The PPF also provides some additional funding directly to CLCs.*

The Commonwealth funding includes one-off payments of \$1,176,740. This comprises \$601,740 for Aboriginal family law services at five CLCs and \$575,000 to four CLCs for service delivery in response to specific needs. The Commonwealth funding also includes additional allocations of Commonwealth National Partnership Agreement funding that Legal Aid NSW passed onto CLCs for specific projects.

The Commonwealth Attorney-General's Department will provide new funding of \$1.6 million for 16 CLCs for 2013–2014 and has committed \$1.5 million per annum in new recurrent funding for the subsequent three years to 2016–2017.

More details about funding can be found in Appendix 6.

### Major achievements

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Review leads to better guidelines

As a result of the Children's Court Assistance Scheme (CCAS) review undertaken last year, Legal Aid NSW incorporated new guidelines into service agreements. The guidelines provide greater consistency across each scheme and ensure the confidentiality of young people attending. Legal Aid NSW worked collaboratively with Macquarie Legal Centre and other centres that auspice the scheme to review and implement a new standardised *Guide for Support Workers* for court use.

#### ■ PRIORITY: LINKING SERVICES

#### Safe technology for young people

The New Voices/New Laws Project, a Legal Aid NSW/CLC partnership project delivered by the National Children's and Youth Law Centre and the Legal Aid NSW Children's Legal Service, was evaluated and received positive feedback from young people and other non-government organisations working with young people.

The project was initiated out of concern that young people's use of social media, mobile phones and the internet can lead to serious criminal penalties, of which most young people are unaware.

The project involved direct engagement with more than 1,000 young people through consultations and a survey, which was also available online. The young people attended schools in seven New South Wales regions: Albury, Broken Hill, Dubbo, Hunter, Sydney, Tamworth and Wollongong. The project culminated with the release of a research report with recommendations on the need for legal reforms and ongoing consultation.

The report is available on the National Children's and Youth Law Centre website at [www.lawstuff.org.au](http://www.lawstuff.org.au)

### Partnership funding program – achievements and review

The Legal Aid NSW/Community Legal Centre Partnership Program funds innovative and responsive projects conducted in partnership by Legal Aid NSW and CLCs. Legal Aid NSW made \$100,000 available in 2012–2013.

The following projects were funded in the 2012–2013 funding round:

- *Working with Aboriginal men in the Shoalhaven regarding family law*—a project to increase the knowledge and skills of local family lawyers and services in assisting Aboriginal men as separating or separated parents.

*Submitted by Shoalcoast CLC and Nowra Legal Aid NSW office (\$17,250).*

- *Linked In: Addressing young people's civil law needs* – identification of the civil law needs of young people in contact with the criminal justice system at the Children's Court at Parramatta and implementation of a referral service with the Youth Legal Service at Marrickville Legal Centre for civil law advice and assistance.

*Submitted by Marrickville Legal Centre and the Children's Legal Service at Legal Aid NSW (\$30,632).*

- *Income Management Information and Advice Project* – provision of advice, advocacy and community legal education on income management for vulnerable people in the Bankstown area.

*Submitted by Welfare Rights Centre and the Government Law Team at Legal Aid NSW (\$12,118).*

- *Legal Literacy in Prison Project* – community legal education for both prisoners and teachers employed by Corrective Services NSW on areas of law relevant to prisoners.

*Submitted by Hawkesbury Nepean CLC, Public Interest Advocacy Centre, Wirringa Baiya Aboriginal Women's Legal Centre, Women's Legal Services and the Community Legal Education Unit at Legal Aid NSW working collaboratively with Corrective Services NSW (\$40,000).*

In February 2013, a review of the Legal Aid NSW/CLC Partnership Program was completed. It found that the program had fulfilled its main goals – developing positive partnerships between CLCs and Legal Aid NSW, fostering new ideas and approaches to service delivery, and improving access to justice for vulnerable and/or disadvantaged clients.

However, the review found that many projects could have been better planned and managed. It recommended that the funding resource a single model project rather than a range of smaller ones. As a result, the CEO approved funding of \$50,000 to continue the program in 2013–2014 with one large project.

### **New audit system piloted**

In 2012–2013, a single streamlined process for centre accreditation and service standard audits was piloted. The process aims to ensure that the most disadvantaged clients continue to receive high quality services that are accessible, responsive and appropriate to their needs.

The Regional Accreditation Co-ordinator at CLCNSW, jointly funded by Legal Aid NSW and the Commonwealth Attorney-General's Department, commenced onsite accreditation visits this year. Legal Aid NSW audited and passed seven CLCs using the new process, which will continue in 2013–2014. Additional information was sought from a further four CLCs which are likely to pass audit soon.

Legal Aid NSW completed the 2010–2014 performance assessment of CLCs by surveying stakeholders of a further 11 CLCs this year. Stakeholders were asked about CLC accessibility, responsiveness, appropriateness of referrals and cooperation with other service providers. Their responses were overwhelmingly positive, as were those from stakeholders in the first phase. The survey results also prompted some CLCs to adopt practical recommendations to improve consultation or accessibility/visibility.

### **■ YEAR AHEAD**

*Work with the Commonwealth Attorney-General's Department to develop service agreements for implementation from 1 July 2014.*

*Undertake service standard audits for at least half of the CLCs in the program and work with them and CLCNSW to support compliance.*

*Improve information for Legal Aid NSW staff on the outreach services provided by CLCs to better inform internal service delivery planning.*

### **■ KEY CHALLENGE**

*Continuing to provide outreach services to vulnerable clients and Children's Court assistance services while facing increased funding constraints.*

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

***Legal Aid NSW administers State Government funding for 28 Women's Domestic Violence Court Advocacy Services through the Women's Domestic Violence Court Advocacy Program.***

These services assist women and children who have experienced domestic violence to obtain effective legal protection from New South Wales 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 75,510 services to 21,118 clients across New South Wales

Assisted clients to obtain 8,297 final Apprehended Domestic Violence Orders

11.3% of clients identified as Aboriginal or Torres Strait Islander

18.6% of clients were from culturally and linguistically diverse (CALD) backgrounds

### **■ FUNDING**

In 2012–2013, \$7,488,869 was paid in program grants. 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**

The program is recognised in the domestic violence sector as a leader in the provision of court advocacy and support to women and children who have experienced domestic violence. Services assist clients to engage with the legal system by such means as arranging legal advice and representation where necessary, and helping women to achieve the best possible court outcome.

## Collaborating with our partners

The program funds 23 Aboriginal Specialist Worker and 13 CALD Specialist Worker positions to ensure appropriate and effective assistance to clients from Aboriginal and CALD communities.

### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

Services continued to provide effective and timely assistance to clients through a best practice model of service delivery.

In response to recommendations from a recent review of the 2009 expansion of the program, services have been afforded more autonomy. Under the 2012–2015 Service Agreement with Legal Aid NSW, services have greater flexibility in how they choose to meet their reporting obligations.

In response to another recommendation, the program instigated a series of three forums to be held each year: two inhouse and one open to external partners.

There were 300 participants at the inaugural open forum held in August 2012. In his keynote address, NSW Police Force Assistant Commissioner Mark Murdoch said that the invitation to speak at the forum was a 'watershed moment' in the positive working relationship between services and NSW Police Force.

To ensure that services respond to the needs of people who have experienced domestic violence, the program provides regular training for workers. In 2012–2013, training comprised two core sessions (33 attendees); two core refresher sessions (25 attendees); and seven seconded worker sessions (127 attendees).

### ■ PRIORITY: LINKING SERVICES

The program relies on collaborative working relationships with key partners to deliver effective services to clients. These include: NSW Police Force, Local Courts, the legal profession and other non-government and government organisations providing services to victims of domestic violence.

Program staff met regularly with partner agencies to ensure open communication and effective collaboration. Partner agencies are also represented on the Program Advisory Committee and are invited to attend the annual open forum.

The program is also working to improve the response to domestic violence in New South Wales by participating in the development of the Domestic and Family Violence Reforms, led by Women NSW. The reforms seek to better assist victims of domestic violence through improved risk assessment, information sharing and referral pathways.

In addition, the program is assisting with the implementation of the New South Wales Domestic Violence Justice Strategy. The Strategy aims to improve the criminal justice system response to domestic violence through better support for victims of domestic violence and holding perpetrators to account. As part of the strategy, services will receive all domestic violence referrals from NSW Police Force. This will give victims better access to timely information and assistance. Services will also comply with new standards and benchmarks as part of the strategy.

### ■ YEAR AHEAD

Hold three forums for service workers and providers, including one open to external organisations in July 2013.

Implement the Domestic Violence Justice Strategy and support services as they take on new responsibilities and comply with new standards and benchmarks as part of the strategy.

### ■ KEY CHALLENGE

Maintaining excellence in service provision while effectively engaging with and responding to changes across the domestic violence sector.

## 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 164 regional locations

Regional Outreach Clinic Program (ROCP) clinics in 16 locations

687 advice services under the ROCP (22% to Aboriginal people)

29% of projects across 11 CLSD regions are for Aboriginal people

## Cooperative Legal Service Delivery Program

Legal Aid NSW has been managing the Cooperative Legal Service Delivery (CLSD) Program since its pilot in two locations in 2005. There are now 11 CLSD Program partnerships across regional New South Wales.

The program aims to improve access to legal services in regional areas of New South Wales by building local partnerships between legal and related non-legal agencies. Among those legal agencies are Legal Aid NSW regional offices, Community Legal Centres, the Aboriginal Legal Service (NSW/ACT) Ltd, Aboriginal justice groups and working parties, LawAccess NSW, Local Courts and pro bono legal services.

They link with tenancy, domestic violence, youth, disability and financial counselling services, local community, neighbourhood and settlement services, health services, and regional Legal Information Access Centres based in local libraries.

## Major achievements

### ■ PRIORITY: ACCESS TO JUSTICE

CLSD projects draw on the collective resources and know-how of local services, both legal and non-legal, to address locally-identified needs and gaps, and promote access to legal assistance,

and information about legal rights and legal services.

*Highlight project:* a joint service outreach to the communities of Bourke and Brewarrina during Law Week in May 2013 in which 18 agencies participated (see page 15 for details).

■ **PRIORITY: EXCELLENCE IN LEGAL SERVICES**

The findings from an independent evaluation of the Cooperative Legal Services Delivery Program were released this year. The evaluation found that the program ‘is strongly supported at the regional and central levels and by a diverse range of stakeholders’. It also noted that networking, information sharing and referral pathways between services have increased as a result of CLSD activity in all regions, indicating ‘an improvement in the ability and capacity of participating agencies to assist disadvantaged clients in their legal needs’.

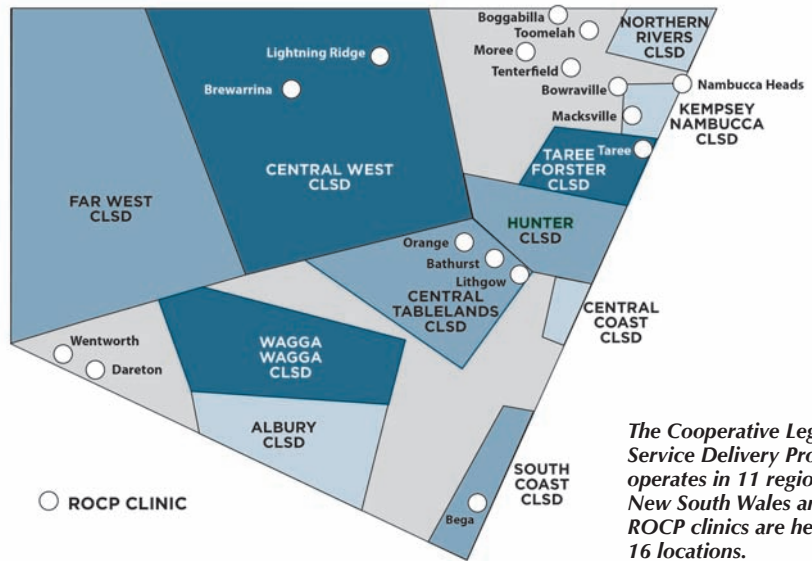
To ensure quality legal services for clients disadvantaged by distance we:

- facilitated training in regional areas for community workers and lawyers in social security, mental health and employment law; and
- presented a two-day training and networking workshop for CLSD Regional Coordinators from across New South Wales.

■ **PRIORITY: LINKING SERVICES**

CLSD Program partners worked together to raise awareness of the link between legal and non-legal issues – and to connect clients to the most accessible and appropriate services. Highlight projects included:

- Adding a new joint service clinic in Deniliquin where outreach services are provided by the Riverina Community Legal Centre, tenancy, family support, financial counselling services and a local private lawyer.
- Hosting a meeting on mental



*The Cooperative Legal Service Delivery Program operates in 11 regions in New South Wales and the ROCP clinics are held in 16 locations.*

health services. At the meeting, held by the Northern Rivers CLSD partnership, participating agencies worked through a case study to learn how to identify issues and understand the challenges facing a client with mental health needs.

- Assisting more than 150 people in the Northern Rivers Region, most of whom were Aboriginal, with fines of over \$330,000. Agencies involved were Legal Aid NSW Lismore, the State Debt Recovery Office, the Aboriginal Legal Service (NSW/ACT) Ltd and local community groups.

■ **YEAR AHEAD**

Consolidate the outreach activities in CLSD Program regions with Legal Aid NSW and other regional partners.

Work through the NSW Legal Assistance Forum to resolve systemic issues for clients in regional New South Wales, including driving offences, access to birth certificates and housing.

Continue to implement the approved recommendations of the independent evaluation of the CLSD Program.

■ **KEY CHALLENGE**

Developing collaborative outreach programs with our partners in regional and remote New South Wales.

**Regional Outreach Clinic Program**

The Regional Outreach Clinic Program (ROCP) provides access to regular legal advice and minor assistance for people 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 16 locations where it would not be feasible for Legal Aid NSW to offer outreach services. Clinic locations are chosen on the basis of socio-economic disadvantage and relative lack of access to public legal services.

**Major achievements**

■ **PRIORITY: ACCESS TO JUSTICE**

This year the program expanded to provide legal advice and minor assistance services to the remote Aboriginal communities of Toomelah and Boggabilla in Northern New South Wales.

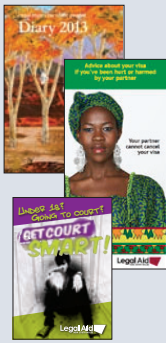
In 2012–2013, ROCP clinics operated in Bega, Bathurst, Boggabilla, Brewarrina, Dareton, Lightning Ridge, Taree, Tenterfield, Moree, Bowraville, Lithgow, Orange, Macksville, Nambucca Heads, Toomelah and Wentworth. The clinics are held in premises such as Local Courts, libraries and community/neighbourhood centres, with some operating with other providers as multi-service clinics.

## Collaborating with our partners

### ■ PRIORITY: ACCESS TO JUSTICE

#### New resources fill information gaps

New resources explained legal rights to vulnerable clients—children and young people, older people, and women experiencing domestic violence. The CLSD Program Unit responded to identified information needs of three specific groups: older people, young people and migrant women.



15,000 copies of the *Older Person's Legal Diary 2013* were distributed with support from the Office for Ageing NSW and the Aged Care Rights Service.

We produced flyers in 14 community languages for women to dispel the commonly held myth that women who complained about domestic violence could have their visas cancelled by their partners.

The pocket book, *Get Court Smart*, explained Children's Court matters such as bail, sentencing and convictions and criminal records to a young audience.

In 2012–2013, the 16 ROCP clinics provided 687 advice services. Twenty-two per cent of clients were Aboriginal and most were Centrelink recipients.

### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

Legal Aid NSW commenced a review of the ROCP Program to ensure continuous improvement in the provision of legal services. In June 2013, the consultations were complete and the final report was being prepared for the Legal Aid NSW Board.

To promote a high standard of service, we organised a three-day professional development workshop for all ROCP lawyers in Sydney in those areas of law in which our clients most need assistance. The program included a full day of training in Aboriginal cultural competency.

### ■ YEAR AHEAD

Review the outreach locations covered by ROCP lawyers to ensure that outreach services provided by inhouse lawyers and ROCP lawyers complement each other.

Develop and run a two-day training workshop for ROCP lawyers.

### ■ KEY CHALLENGE

Ensuring that clients served by ROCP lawyers receive the most appropriate services for their needs.

## Aboriginal community partnerships

*The Aboriginal Legal Service (NSW/ACT) Ltd (ALS) is our key partner in delivering legal services to Aboriginal people in New South Wales and a critical member of our Aboriginal Justice Committee, which is chaired by the Director, Aboriginal Services, Legal Aid NSW.*

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

Legal Aid NSW funds three Aboriginal Field Officer positions located at the Walgett and Coffs Harbour ALS offices and at our Campbelltown office.

### Major achievements

#### ■ PRIORITY: ACCESS TO JUSTICE

#### Field Officer pilot breaks down barriers

Legal Aid NSW continued its pilot of Aboriginal Field Officer (Civil and Family Law) positions in 2012–2013 in partnership with the ALS.

Three positions have been located at ALS offices in Walgett and Coffs Harbour and the Legal Aid NSW office in Campbelltown over the last three years. Anecdotally it has been shown to be a highly successful program in breaking down the barriers for Legal Aid NSW services in and around those communities.

Field Officers increased their profile and influence in local communities through outreach programs, community legal education and liaison with lawyers and clients. They played a key role in training, including the seminars for private lawyers on Aboriginal cultural competency and forum on culturally responsive family mediation, as well as participating at practice conferences. They also provided expertise in regional and divisional planning days.





CEO of Legal Aid NSW, Bill Grant and CEO of ALS, Phillip Naden sign a new Statement of Commitment. Photo: Penny Clay

### ■ PRIORITY: LINKING SERVICES

#### Reconciliation through partnerships

In February 2013, Legal Aid NSW launched its *Reconciliation Action Plan 2013–2015*. The plan draws together our current initiatives for Aboriginal and Torres Strait Islander clients and aims to further improve service delivery to one of the most vulnerable sections of the community.

The plan, which will guide our work, relies heavily on strengthening community partnerships with the ALS, Community Legal Centres and the Justice Cluster and developing new relationships with the NSW Indigenous Legal Issues Committee, Ngalaya Aboriginal Lawyers Association and National Legal Aid.

Other commitments include further Aboriginal cultural competency training, involvement in major Aboriginal community events, and introducing best practice protocols for lawyers working in Aboriginal communities.

During National Reconciliation Week in May, Legal Aid NSW and the ALS renewed their Statement of Commitment. The statement incorporates actions to support the new Reconciliation Action Plan, ensuring that we work collaboratively to implement and maintain relevant initiatives within our respective organisations. As part of this, one of our lawyers was seconded to the ALS to help establish a family law practice.

CEO of the ALS, Phillip Naden said, 'The partnership between the ALS and Legal Aid is excellent. We share reciprocal respect and have the common goal of taking quality legal services to Aboriginal people. This is a good time to refresh how we continue to work together during a period of reconciliation.'

#### Aboriginal cultural competency

The Aboriginal Services Unit held five Aboriginal cultural competency workshops for private lawyers working with Aboriginal clients. The workshops focused on practical skills as well as critical information on Aboriginal culture, history and the impact of government policy. Participants learned communication skills to help them take instructions from and represent Aboriginal clients. The presenters were Dr Loretta Kelly and Antony Baruc of Black Duck Working.

Workshops were presented at Sydney, Wollongong, Coffs Harbour and Bathurst, mostly at weekends. In each location a local Aboriginal person was engaged to ensure the training offered local perspectives and reflected local cultural and community issues.

Evaluations were positive, including, 'I have attended several cultural awareness study days, but none were as informative as yours. The content was relevant and appropriate and presented in a refreshing and enlightening way... a job well done.'

#### ■ YEAR AHEAD

Evaluate the effectiveness of the Aboriginal Field Officer pilot.

Offer more Aboriginal cultural competency workshops for private lawyers.

#### ■ KEY CHALLENGE

Finding ongoing resourcing for the Aboriginal Field Officer pilot given that its funding source, the National Partnership Agreement, expires on 30 June 2014.

## Justice forums

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

#### Major achievements

##### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Collecting data on unmet legal need

The *Legal Australia-Wide (LAW) Survey* released in October 2012, is the largest survey of its kind undertaken anywhere in the world. The survey was commissioned by the eight state and territory legal aid commissions—National Legal Aid—and carried out by the Law and Justice Foundation of New South Wales. The survey highlighted the extent and severity of unmet legal need in Australia, with an estimated half of the Australian population having at least one legal problem in a year. People with a disability and single parents, as well as people experiencing unemployment, people who are homeless or in public housing, and Indigenous Australians, were particularly vulnerable to legal problems.

The survey provides invaluable data to assist with improving service delivery to meet the legal needs of people around Australia, particularly those with complex needs.

#### 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 2012, November 2012 and March 2013.

CEOs of legal aid commissions discussed issues of national strategic significance and advised the Commonwealth Government on the impact of its laws and policies.

## Collaborating with our partners

Members of the NSW Legal Assistance Forum held roundtable discussions at Legal Aid NSW in March 2013.



Major issues discussed during 2012–2013 included:

- the Allens review of the National Partnership Agreement (NPA)
- the Australian Institute of Family Studies (AIFS) review of Independent Children’s Lawyers
- family law and dispute resolution
- the impact of the Royal Commission on Child Sexual Abuse
- quality of legal services
- the implications of the findings of the *Legal Australia-Wide (LAW) Survey*
- meeting employment law needs
- data standardisation; and
- the impact of the establishment of the National Disability Insurance Scheme.

NLA provides a unique opportunity for strategic engagement with the Commonwealth and other national organisations such as the AIFS.

Close engagement with the Commonwealth Government is critical over the next 12 months, as the review of the NPA by Allen Consulting Group and the findings of the Productivity Commission Inquiry into Access to Justice Arrangements will be released. New funding agreements will need to be negotiated following the expiry of the National Partnership Agreement in June 2014.

### NSW Legal Assistance Forum

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

NLAFF 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.

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

#### ■ PRIORITY: LINKING SERVICES

Highlights included:

- Developing strategies to address recruitment and retention of lawyers in regional, rural and remote areas in accordance with the recommendations of the *Review of Legal Assistance Services to the NSW Community*.
- Establishing an employment lawyers’ forum to provide opportunities for capacity building amongst lawyers practicing employment law in the community justice sector of New South Wales.
- Engaging with the Ministry of Police and Emergency Services to formalise the role of Legal Aid NSW and the legal assistance sector in disaster recovery arrangements. LawAccess NSW has now established a 1800 number that can be activated in the event of a major disaster or emergency.

- Examining how Housing NSW engages with organisations that support tenants in social housing.
- Exploring initiatives to improve collaboration between legal services in New South Wales and the Commonwealth Department of Human Services.

Other NLAFF working groups focused on prisoners, fines and traffic law.

The NLAFF meeting also serves as a jurisdictional forum in accordance with the National Partnership Agreement on Legal Assistance Services (NPA). Representatives of the Commonwealth Attorney-General’s Department attended the December 2012 NLAFF meeting to discuss cross-jurisdictional issues.

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

#### ■ YEAR AHEAD

Work with NLAFF partners to improve the ability of Aboriginal people to obtain birth certificates.

Respond to the findings of the *Legal Australia-Wide (LAW) Survey* to increase access to justice for disadvantaged people in New South Wales

#### ■ KEY CHALLENGE

Negotiating a new funding agreement with the Commonwealth.

## 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: EXCELLENCE IN LEGAL SERVICES

##### Relationship building means better services to clients

The Civil Law Division continued to build strong relationships with regulators and external dispute resolution schemes, especially in the area of consumer protection. Legal Aid NSW was pleased to be the top user of the Financial Ombudsman Service (FOS) among community organisations in 2012–2013. This reflects the high number of people we are assisting in relation to financial products and services and our emphasis on using external dispute resolution to resolve these issues.

The Division also ran training sessions for staff from the FOS and Australian Securities and Investments Commission to improve communication and referral pathways.

Comprehensive training was offered to lawyers from the Regional Outreach Clinic Program who operate advice clinics on behalf of Legal Aid NSW in regional areas. Workshops provided practical tips on working with Aboriginal clients and changes to the law.

In response to a growing demand for employment law services, Legal Aid NSW hosted a training program for over 70 interstate lawyers that provided practical assistance in areas such as dismissals and general protections.

Annual training workshops were held for Cooperative Legal Service Delivery coordinators and family dispute resolution practitioners doing mediation work on behalf of Legal Aid NSW.

The Law and Justice Foundation's recent survey into legal needs shows that help is sought from GPs for 20% of all legal problems in



International experts at a Legal Aid NSW seminar said that medical-legal alliances can have huge benefits for very disadvantaged clients.

New South Wales. The clear links between legal problems and health point to the need for a medical legal partnership.

In conjunction with the Public Interest Law Clearing House, Legal Aid NSW organised a seminar on legal services in medical settings. It was well attended by workers across the legal services sector and led to development work on a number of initiatives. Another workshop targeting medical and health services is being planned in 2013–2014 to explore further opportunities for integrating legal services in medical settings.

#### ■ PRIORITY: LINKING SERVICES

##### Face-to-face training for private lawyers

Private lawyers are key partners in our service delivery. We cannot provide legal services across the State without the significant contribution from the private profession. It is important to make sure we explain our policies and grants processes and make it easier for private lawyers to work with us.

Senior Legal Aid NSW staff presented seminars to private lawyers on Legal Aid NSW panels in a number of regional locations, including Armidale, Bega, Batemans Bay, Byron Bay and Coffs Harbour.

Topics included an overview of policies, fees, travel, allocation of work to panel lawyers, and using our Grants Online system. Meeting with lawyers in person is a great opportunity for Legal Aid NSW staff to understand their

concerns and for staff to explain our operations. Private lawyers said that they appreciated the opportunity to meet with Legal Aid NSW staff face-to-face.

##### Communicating with our stakeholders

Legal Aid NSW published 10 monthly e-newsletters, achieving a 53% increase in subscribers and over 25% increase in web page views.

##### Support for Aboriginal Legal Service (NSW/ACT) Ltd

Our library increased referral research services to ALS lawyers around the State by 12%.

#### ■ YEAR AHEAD

Provide more information seminars for private lawyers, including at Sydney and Parramatta as well as regional centres in the Mid North Coast and the South West Slopes.

Develop and deliver training on:

- mandatory defence disclosure;
- continued supervision and detention of high risk violent offenders;
- reforms to the bail law; and
- changes to the right to silence.

Develop innovative partnerships with health providers.

Open further training sessions in employment law to interstate legal aid commission lawyers.

#### ■ KEY CHALLENGE

Providing more training to private lawyers in regional New South Wales.

## Section 3

### Managing our organisation

Managing our workforce, organisational capability and information technology

#### CONTENTS

<b>OUR PEOPLE</b>	<b>43</b>
Staff health and wellbeing	43
Learning and development	44
<b>OUR ORGANISATIONAL CAPABILITY</b>	<b>46</b>
Regular reviews and independent scrutiny	46
Effectiveness, efficiency and economy	47
Information technology	48
Resourcing for the future	48
Environmental responsibility	49

#### Major achievements

- Delivered the 'managing self' component of the Health and Wellbeing Strategy.
- Introduced Business Partners to support managers.
- Promoted continued growth in online learning for staff and private lawyers.
- Launched a Business Intelligence tool which gives staff better access to key data.
- Provided new desktop PCs and operating environment.
- Participated in Justice Cluster initiatives to improve efficiency in corporate services management.
- Handled a 12% increase in telephone inquiries to our main reception centre.
- Expanded our trial of mobile tablet devices to Family and Civil Law Divisions.
- Made the Grants Online website available on iPads to private lawyers.

## Our people

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

### ■ FACT FILE

959 staff, 432 in regional offices and 527 in our Central Sydney office

484 lawyers and 475 administrative and corporate services staff

41 Aboriginal staff

702 women and 257 men

67 lawyers with specialist accreditation

### Major achievements

#### ■ PRIORITY: SUPPORTING OUR PEOPLE

#### Staff health and wellbeing

A key element of our Health and Wellbeing Strategy is participation in a research project by the University of New South Wales from 2011 to 2015, using baseline data collected from a staff survey in 2011.

A follow-up survey is currently underway and will enable comparison with baseline data on staff mental health and wellbeing, including depression, stress,

leadership and support, workload and job satisfaction. Legal Aid NSW will use the findings to evaluate programs and redirect resources to address issues arising from the 2013 survey.

Our focus for 2012–2013 under the strategy was ‘managing self’. We continued to help staff maintain their health and wellbeing through mandatory training, a pilot WellCheck program, encouraging staff to participate in physical exercise and other initiatives.

A pilot of the WellCheck program began in late 2012, with 100 staff completing checks. Following positive feedback, a further 150 staff from selected groups will have undergone checks in July 2013. The program provides one-on-one sessions with a senior psychologist and is designed to intervene before an employee finds themselves in crisis and unable to cope at work.

Staff will benefit from an improved level of service under the Employee Assistance Program, which will give them access to a group of approved psychologists with knowledge of Legal Aid NSW and the work our staff perform. In collaboration with PPC Worldwide, which provides the program, we also promoted the program’s Manager Hotline to assist managers with workplace issues.

Health and wellbeing information is at the fingertips of all staff following development of a series of dedicated pages on the Legal Aid NSW intranet, which were publicised with the ‘Mind Your Head’ logo. Our internal newsletter also regularly published health and wellbeing information and tips.

Staff were encouraged to release stress and build fitness at onsite yoga classes at Central Sydney, through taking up discounted gym memberships with Anytime Fitness Australia, and by participating in events such as Mental Health Month, Stress Down Day and the annual Global Corporate Challenge.

In the next phase of the Health and Wellbeing Strategy we will focus on ‘managing others’. This will involve launching an online managers’ development program, updating the dignity and respect policy and guidelines using Justice Cluster material, and individual performance planning. Our participation in the University of New South Wales research project will continue to guide our initiatives.

#### Workers’ compensation

Of the total 14 workers’ compensation claims lodged in 2012–2013, 10 were accepted, one remains under investigation and three were declined following investigation.

Of the 14 workers’ compensation claims lodged in 2012–2013, one of the injuries occurred in the previous reporting period. Figures and costs incurred by this claim have been included in this year’s figures.

The cost incurred to 30 June 2013 of new claims reported in 2012–2013 was \$133,656 compared to \$357,096 in 2011–2012, a decrease of 62.57%. The number of accepted claims (including claims accepted under provisional liability) decreased from 47 in 2011–2012 to 10 in 2012–2013.

Of the accepted claims in this year, the three for fall/slip and three for body stress, such as repetitive strain injury, amounted to \$18,137 or 13.57% of the total cost of claims.

### Staff numbers 5-year trend

YEAR	FTE* FIGURES** FINANCIAL YEAR END	ACTUAL STAFF NO. FINANCIAL YEAR END
2012–2013	871.25	959
2011–2012	882.72	965
2010–2011	880.28	972
2009–2010	827.80	909
2008–2009	824.34	912

\*FTE: full-time equivalent

\*\* See Appendix 2 for more details

### Staff movements 4-year trend

STAFF MOVEMENTS	2009–2010	2010–2011	2011–2012	2012–2013
New permanent staff	29	15	12	18
Staff departures	41	52	44	52
Promotions	26	26	21	21

Data not recorded before 2008.

# Managing our organisation

*There was a marked reduction in workers' compensation claims and costs.*

## Record of work-related incidents

TYPE OF INJURY/INCIDENT	NO. OF REPORTS 2010–2011	NO. OF REPORTS 2011–2012	NO. OF REPORTS 2012–2013
Workplace	12	4	7
On duty (not at office)	1	4	3
Journey	5	9	3
Recesses – lunchtime & authorised breaks	2	3	3
<b>Total injuries/incidents</b>	<b>20</b>	<b>20</b>	<b>16</b>

## Record of workers' compensation claims

TYPE OF CLAIMS	NO. OF CLAIMS 2010–2011	NO. OF CLAIMS 2011–2012	NO. OF CLAIMS 2012–2013
Workplace	16	26	11
On duty (not at workplace)	4	6	-
Journey	5	14	-
Recesses – lunchtime and authorised breaks	-	4	3
<b>Total claims lodged</b>	<b>25</b>	<b>50</b>	<b>14</b>
Total claims accepted	22	47	10
Total claims not accepted	1	1	-
Claims under investigation		2	1
Claims declined	2	2	3

There was a decrease in psychological injuries, for example, post-traumatic stress disorder, anxiety disorders and depression, with five claims for such injuries lodged in 2012–2013, compared to 16 in 2011–2012. Of the five psychological claims this year, three were declined and one is still being finalised. Costs incurred by the one psychological claim accepted amounted to \$90,905 or 68% of the total cost of claims for 2012–2013.

The number of full-time equivalent (FTE) (on average) staff for this financial year was 871.25, a decrease of 11.47 on 2011–2012. Looking at the average workers' compensation claim cost per staff member, the cost this year was \$153.41 per staff member compared to \$404.54 in 2011–2012.

The total number of reported 'Incident Only' Notifications of

Injury decreased to 16 from 20 in the previous reporting period. Although 'Journey' claims are no longer compensable, we continue to collect the relevant statistics.

### EEO profile

#### ■ PRIORITY: SUPPORTING OUR PEOPLE

The Equity and Diversity Committee, chaired by the CEO, met quarterly and developed new terms of reference with a clearer focus.

Legal Aid NSW outperformed the State Government benchmark of 2.6% for employing Aboriginal staff. We increased the number of Aboriginal staff slightly from 4.3% of total staff last year to 5.0%; however we did not achieve our target of 5.5%.

Ten women from Legal Aid NSW participated in the 2012 Drive Your Career Program facilitated by the Public Service Commission.

The program aims to assist women to take ownership of their own development and career paths in order to become more effective, engaged and willing to seek opportunities for greater responsibility.

More detailed EEO information is available in Appendix 3.

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

## Learning and development

### ■ FACT FILE

Assisted over 30 staff to engage in tertiary study through our study assistance program

Supported 27 staff and employees from Community Legal Centres and the Aboriginal Legal Service (NSW/ACT) Ltd to obtain their Diploma of Management

Selected 22 staff to participate in service-wide development programs

900 private lawyers now use our online learning

## Major achievements

### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Continued growth in online learning

Since the introduction of our e-Learning platform in 2008, the range and number of our online courses have continued to grow. Many online courses are available to both our own employees and to private lawyers. New modules this year included *Introduction to the Legal Aid Review Committee and Managers' Guide to Leave*.

Nine hundred private lawyers are now using our learning management system to access online learning modules and register for our conferences and training courses.

### ■ PRIORITY: SUPPORTING OUR PEOPLE

#### Building the resilience of our staff

Legal Aid NSW added to the health and wellbeing initiatives commenced in 2011–2012 with a series of *Building Resilience*

workshops. Twenty of these half-day sessions on how to manage stressful situations and recover from adversity were run at city and regional locations. Over 72% of staff completed the mandatory workshop and all managers attending the Legal Aid NSW Managers Conference in April 2013 completed a shortened version. Other training to improve the health, wellbeing and resilience of staff included the mental health awareness and suicide prevention seminar attended by 49 participants at nine locations.

In addition to these specific health and wellbeing programs, we continued to offer a range of mainstream courses to support managers and staff. Topics included handling workplace conflict constructively, managing stress, assertive communication, time management, coaching and people management.

### **Diploma of Management pilot**

We conducted an expanded version of the Diploma of Management in partnership with Study Group International/Martin College. Twenty-seven of the 30 students enrolled completed the course and were awarded diplomas. Of these, 17 were Legal Aid NSW employees, seven were Community Legal Centre staff and three were from the Aboriginal Legal Service (NSW/ACT) Ltd.

### **Other learning initiatives**

A new online induction module provides essential information for new starters. The module complements face-to-face corporate induction and has enabled much information to be delivered electronically.

### **Seminars in criminal law**

Staff in the criminal law practice attended a legal education initiative – ‘Wednesday seminars’, which covered such topics as the right to silence, the ethical issues raised in the case of a mentally ill client and the Sex Offender Register.

A comprehensive review and redrafting of the criminal law face-to-face induction program better

targeted new staff with different levels of skill and experience.

### **Responding better to domestic violence**

Many Legal Aid NSW clients experience domestic and family violence. A staff training program was developed in partnership with the Education Centre Against Violence. The program commenced in 2012 and 18% of staff have attended. Participants said the training helped them to identify and deal with the complexities and difficulties of domestic violence. Training will continue in 2013–2014 with a further 10 sessions planned.

#### **■ PRIORITY: LINKING SERVICES**

Legal Aid NSW worked closely with partner agencies in the Justice Cluster, Juvenile Justice NSW, Corrective Services NSW and the Department of the Attorney General and Justice, on projects to share resources and human resource policies. We participated in the successful shared training calendar pilot, which gave employees at the four agencies access to Justice Cluster courses, maximising opportunities and benefits. Legal Aid NSW staff attended *Emotional Intelligence* and *Change Management* courses at our partner agencies and their staff came to *Demystifying Drugs and Alcohol* and *Managing People* at our training centre.

Appendix 4 shows attendance in 2012–2013 at Legal Aid NSW conferences, legal seminars and other training by our staff, private lawyers and staff from partner agencies.

### **Support for staff and managers**

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

#### **Business Partners—a new staff resource**

Legal Aid NSW managers are better placed to manage people matters following the introduction of Business Partners as a single point of contact. There are three Business Partners to support operational areas in workforce management, resourcing and other human resources activities. They work closely with the Executive

Directors and meet regularly with offices and operational areas.

### **Skilling up our managers**

Over 100 managers from across Legal Aid NSW attended a Managers Conference in April 2013. The aim of the conference was to provide skills to help managers manage. Participants also had the opportunity to discuss issues of concern with members of the Executive.

### **Workplace management and relations**

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

Significant activities over the year included:

- contributing to the development of business rules to meet the budget savings reforms;
- developing the Work Health and Safety Consultation Arrangements for Legal Aid NSW in line with the new legislation;
- taking part in a justice cluster working party which launched the Workplace Giving Program on 1 July 2013;
- piloting the Public Service Commission performance management framework; and
- participating in a number of Justice Cluster sub-committees, including Industrial Relations/Employee Relations, Learning, Policy, Workplace Planning and Recruitment.

All recruitment and selection documents are available in the e-recruitment system through the Taleo staff management software. We now enter all staff movements in Taleo and all approvals are electronic.

Legal Aid NSW is working with other members of the Justice Cluster to standardise and maximise the use of Taleo with the assistance of the Public Service Commission.

### **Professional and personal achievements**

The professional expertise and dedication of staff from Legal Aid NSW were recognised in 2012–2013 through various appointments and awards. See following page.

## Managing our organisation

- Alexandra Harland from the Family Law Division was appointed as a judge of the Federal Circuit Court (Darwin).
- Antony Townsden, a former Legal Aid NSW senior criminal lawyer and Local Court magistrate, was appointed as a judge of the District Court of NSW.
- Maha Najjarrine from the Family Law Division was nominated by Australian Foreign Affairs and Trade as the Australian delegate to the Australian Indonesian Institute.
- Senior mediator Sally Lord was appointed Vice-President of the Board of Australasian Dispute Resolution Association.
- Bankstown family lawyer Rania Saab was appointed to the Board of the Australian Network on Disability, recognising her work in increasing accessibility for people with hearing impairment to the legal system.

### ■ YEAR AHEAD

Introduce individual planning for all staff to facilitate formal feedback.

Implement the 'managing others' component of the Health and Wellbeing Strategy.

Work towards the target of 5.5% Aboriginal and Torres Strait Islander employment.

Introduce an Aboriginal employee scholarship and a new mentoring program.

Re-launch our Aboriginal cultural awareness training for staff as a one-day intensive program.

Roll out more domestic violence awareness training.

Support the roll out of Public Service Commission initiatives across Legal Aid NSW (includes a management development program and a refresher program on individual planning).

### ■ KEY CHALLENGE

When the legislation commences, implementing the new *Government Sector Employment Act*.

## Our organisational capability

*We found better ways to use our resources, 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 they 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 reviews of:

- the Regional Outreach Clinic Program (see page 38);
- the mediation program for people in the child protection jurisdiction, which was favourably reviewed by the Australian Institute of Criminology (see page 22);
- an independent evaluation of legal outreach in two integrated cross-agency homelessness projects in the Riverina and Newcastle (see page 26);
- the Family Law Early Intervention Unit Duty Lawyer Service (see page 17); and
- the outreach program (see page 17).

Recommendations from these reviews will be implemented in 2013–2014, helping to improve service delivery practices, processes and systems across the organisation.

### Criminal and civil law divisions

Set up in 2011–2012 to defend people charged with Commonwealth crimes, particularly people smuggling, the Commonwealth Crimes Unit will operate for another 12 months following a review which recommended its continuation. The review analysed workload trends and whether the unit had met designated benchmarks. The review found that the unit has developed inhouse

Commonwealth crime expertise to support both the private profession and inhouse lawyers and contributed to the policy and reform agenda.

An independent review of the current structures, systems, policies and procedures for the management and conduct of State and Commonwealth indictable matters was undertaken. The emphasis was on the efficient and cost-effective carriage of indictable matters, balancing the considerations of specialist committal and indictable practices with continuity of representation. Although a number of alternate models were considered, including mixed teams of indictable and committal lawyers; the final decision was not to implement any structural changes at this stage.

### Metropolitan duty work

The Metropolitan Duty Scheme, which started on 14 January 2013, introduced a more effective system for allocating back-up duty work at Local Courts in the Sydney region. Lawyers appointed under the scheme were required to demonstrate experience in the conduct of criminal duty list work and in representing legal aid clients. The scheme has ensured a more even distribution of back-up duty work to lawyers who have demonstrated the ability to undertake this work. In order to ensure a consistent approach to the allocation of this work, the metropolitan duty scheme will be expanded to regional locations covered by Legal Aid NSW offices.

### Interagency cooperation

#### ■ PRIORITY: LINKING SERVICES

A new inter-agency group was established to determine the extent of District Court trial backlogs and their causes. It comprises Legal Aid NSW, the Office of the Director of Public Prosecutions, the Public Defender's Office, Department of Attorney General and Justice and the Bureau of Crime Statistics and Research. The group's formation has led to initiatives to identify and reduce guilty pleas before trials commence.



This year the Civil Law Division reviewed its five-year strategic plan, revising objectives and strategies in line with funding changes and current research findings on legal need and disadvantage.

### **Cooperative Legal Service Delivery Program**

The independent evaluation of the program was positive. It found that the CLSD Program is strongly supported at the regional and central levels and by a diverse range of stakeholders.

### **Activity-based costing and reporting systems**

Following requests from the Auditor General, the New South Wales Attorney General and the State Government that Legal Aid NSW introduce a suitable activity-based costing system, the CEO of Legal Aid NSW commissioned an independent review—*Measuring, Monitoring and Reporting on Costs*. The report recommends a staged approach to the introduction of activity based costing within Legal Aid NSW.

An additional review—*Quality Measures and Outcomes*—was undertaken on demonstrating to government the effective, efficient and economical outcomes of inhouse legal services as required by section 12 of the *Legal Aid Commission Act 1979*.

These reviews will form the basis for developing and piloting activity-based costing in selected areas.

## **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 by using smarter technology—achieving our Legal Aid NSW goals and delivering better services for clients.

### **Finding better ways of supporting our managers**

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

An analysis of the structure and reporting arrangements for regional offices identified the need to provide better support and enhanced interaction. From April 2013, four clusters were created, with five offices within each cluster. It is too soon to measure the success of this reporting change but early responses from staff and managers are positive.

In the *New South Wales Government People Matter Survey*, only 56% of staff at Legal Aid NSW felt that senior managers kept them informed about organisational issues. An organisation-wide communication strategy called Table Talk was developed to improve communication between managers and their staff. It involves a tip sheet that sets out organisation-wide information for managers to use at monthly face-to-face staff meetings, and will be rolled out early in 2013–2014.

### **System improvements**

We integrated our ATLAS grants management and CASES case management systems with the TRIM document management system.

A consultant conducted a post-implementation review of ATLAS. The review findings were presented to the Board in June 2013. The reviewer commended Legal Aid NSW on successfully navigating the difficulties of implementing a new system, and found that ATLAS has helped us move towards an e-business environment. However, the findings also noted that the objectives of the system had not yet been fully achieved, and that there were opportunities for improvement. Over the coming year, the Executive will review the recommendations and progress implementation of those approved.

#### **■ YEAR AHEAD**

Implement the recommendations of the civil law review.

Develop and pilot activity-based costing.

Implement a better recording system for back-up duty work for metropolitan Local Courts, and expand the system and the scheme to other courts and regional locations.

#### **■ KEY CHALLENGE**

Implementing the accepted recommendations of the grants management system review, a very complex and large undertaking.

# Managing our organisation

## Information technology

*Information technology played a key role in assisting the organisation to better deliver services.*

### Major achievements

#### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

##### Online support for civil law practice

The civil law practice covers a very diverse range of law, which means that ensuring staff are kept up to date and have effective resources is a constant challenge. To this end, the Division launched a new intranet site, which focuses on better knowledge management, including precedents and resources, to support casework for its communities of practice specialist areas of law.

#### ■ PRIORITY: LINKING SERVICES

##### Business intelligence

Since the launch of our new Business Intelligence tool in May 2013, all staff have easy access to the vast range of service provision data that Legal Aid NSW collects. As a result, they are better equipped to generate reports and to make effective decisions.

The tool, developed after a comprehensive review of the data and information needs of the organisation, includes a set of intranet 'dashboards'; enabling very detailed service provision data to be combined and examined, making analysis much more efficient and productive.

##### Joined Up Justice

We began integrating our case and grants management systems with the Justicelink courts management system at the Department of Attorney General and Justice, allowing our staff to access court outcomes directly within our current systems.

##### Mobile office improvements

Following an earlier successful trial of iPads in the criminal law practice, we broadened our pilot of iPads to the family and civil law practices as well as the Legal Aid Review Committee. Their use increased the efficiency of staff

working out of the office at court or performing outreach services in regional and remote areas.

### Information management

During the year, we undertook a range of activities to improve information management across Legal Aid NSW. We engaged external assistance to undertake a formal review and prepare an information management road map to ensure we are soundly planning initiatives to improve our information management tools and applications. A successful pilot was undertaken across our civil law practice introducing new methods for managing information.

### Infrastructure

Desktop computers and laptops were replaced throughout Legal Aid NSW, providing a consistent, efficient and up-to-date desktop operating environment based on Windows 7. We also implemented technologies to improve the performance of our network links to regional offices, and we continued to review our application systems to ensure they are performing optimally.

#### ■ YEAR AHEAD

Prepare a new three-year Information and Communications Technology Strategic Plan.

Finalise the review of our iPad pilots and develop a formal mobility strategy for staff.

Introduce more improvements to information management from our road map developed in 2012–2013.

Introduce mobile technology initiatives to support legal service delivery.

Commence planning to migrate our data centre to the new whole of government data centre facilities

Extend the Business Intelligence system implemented in 2012–2013 to provide human resource reporting capability.

#### ■ KEY CHALLENGE

Ensure Legal Aid NSW business needs continue to be met cost effectively through the innovative use of emerging information and communication technologies.

## Resourcing for the future

### Major achievements

#### ■ PRIORITY: ACCESS TO JUSTICE

Despite an increase in the number of publications requested, our new warehousing system maintained our publications dispatch turn-around time at 24 hours, compared with one to two weeks previously. Increased operational flexibility enabled us to manage production better and to allocate resources more efficiently.

#### ■ PRIORITY: SUPPORTING OUR PEOPLE

We improved accommodation for our staff and service delivery for clients by:

- moving to larger premises closer to the court at Wagga Wagga;
- refitting the criminal law accommodation in Central Sydney – including a staircase to link the teams and additional dedicated audiovisual link offices;
- replacing aged multi-function copier/fax machines in our rooms at 19 court locations to enable more efficient printing/copying;
- enhancing our Central Sydney Client Service area on the ground floor by adding three interview rooms and one conference room and improving staff space; and
- creating a larger meeting/staff breakout room on level 20 at Central Sydney.

Under our *Multicultural Action Plan*, a 'quiet room' was set up at the Central Sydney office which staff can use for prayer, meditation or other contemplative practices.

#### ■ YEAR AHEAD

Relocate Gosford staff to larger premises.

Continue outreach security risk reviews and implement feasible changes.

Complete facility reviews at our Burwood and Wollongong offices with a view to refurbishment or new fit-outs.

Enhance existing security systems to improve staff safety.

#### ■ KEY CHALLENGE

Providing a safe and efficient work environment within budget.

## Environmental responsibility

*Legal Aid NSW is committed to taking steps towards reducing paper usage and increasing green score targets through a number of sustainability initiatives.*

### Energy savings

Our use of green power over the last three years was 15%, which is higher than the State Government target of 6%. We have a new government electricity contract for 2013-2016. The savings generated have provided us capacity to increase our green power to 20% while still achieving an overall saving over the previous costs.

### Waste reduction

We purchased 100% recycled content or carbon neutral paper in 2012-2013 and retained a high level of paper recycling. Despite achieving a 5.5% reduction in paper purchasing for 2010-2011, we increased our paper purchasing in 2012-2013 by 57%. This is partly due to increased inhouse printing of information packs and posters, as well as the printing of electronic documents.

### Fleet is more energy efficient

As the majority of our leases concluded this year, we refreshed the fleet, replacing hybrid and diesel vehicles with more energy efficient unleaded petrol vehicles. Our Agency Green Vehicle Score is now 14.34 out of a possible 20, up from 13.73 in the previous year compared with the government target of 13.5/20.

## Reducing our environmental footprint – summary table

Goal	Target	Achievement 2012-2013
Reduce electricity consumption	Reduce standalone printer numbers by 75%	95% of standalone printers reduced or replaced with multifunction devices
	Reduce the core light timer hours from 6am to 10pm at Central Sydney office	Reduced hours to: 7 am to 8 pm
	Install light switches to offices in new fit outs	New fit outs built 2011-2013 have all included separate light switches for offices
Increase use of green paper purchasing	State government target: minimum 85% of copy paper to contain recycled content by 2014.	Purchased 100% recycled content or carbon neutral paper.
Increase use of green paper purchasing for our publications	At least one recycled content option to be included as part of each publication quotation.	Our Publications team recorded a 5% use of recycled content in our publications. This is due to cost savings requirements.
Reduce paper purchasing	Target of a 10% reduction in paper purchasing was introduced in 2009. A 5.5% reduction was achieved in 2010-2011.	Purchased 57% more paper in 2012-2013 than in 2010-2011. Internal printing has increased due to a reduction in outsourced printing, and high volumes of electronic documentation requiring printing.
Green electricity purchasing	State government target: 6% green electricity	Our purchase: 15% for 2012-2013 increased to 20% for 2013-2016
E10 fuel	State government target: 20% e10	Our usage: 77%
Green fleet	State government target: 13.5/20	Our score: 14.34/20
Reduce landfill	100% recycling of IT equipment	100% of our PCs were recycled after our 2012-2013 PC replacement rollout project. Equipment that was not sold to staff was picked up by a recycling and recovery company who disassemble the various components for recycling and reuse.
Carbon neutrality	Carbon neutral operations by 2020 (State government target)	All of the above are in progress.

### ■ YEAR AHEAD

Engage with experts on the feasibility of energy saving projects.

Adopt the Department of Environment and Heritage 'We Do' campaign to increase awareness of and encourage 'green behaviours' in the workplace.

Monitor the new electricity contracts and report on the outcomes of the projected savings.

Work with staff to reduce paper usage.

### ■ KEY CHALLENGE

Finding new ways to make Legal Aid NSW offices green.

## Section 4

### Corporate governance

Setting strategic direction, monitoring progress, ensuring compliance

#### CONTENTS

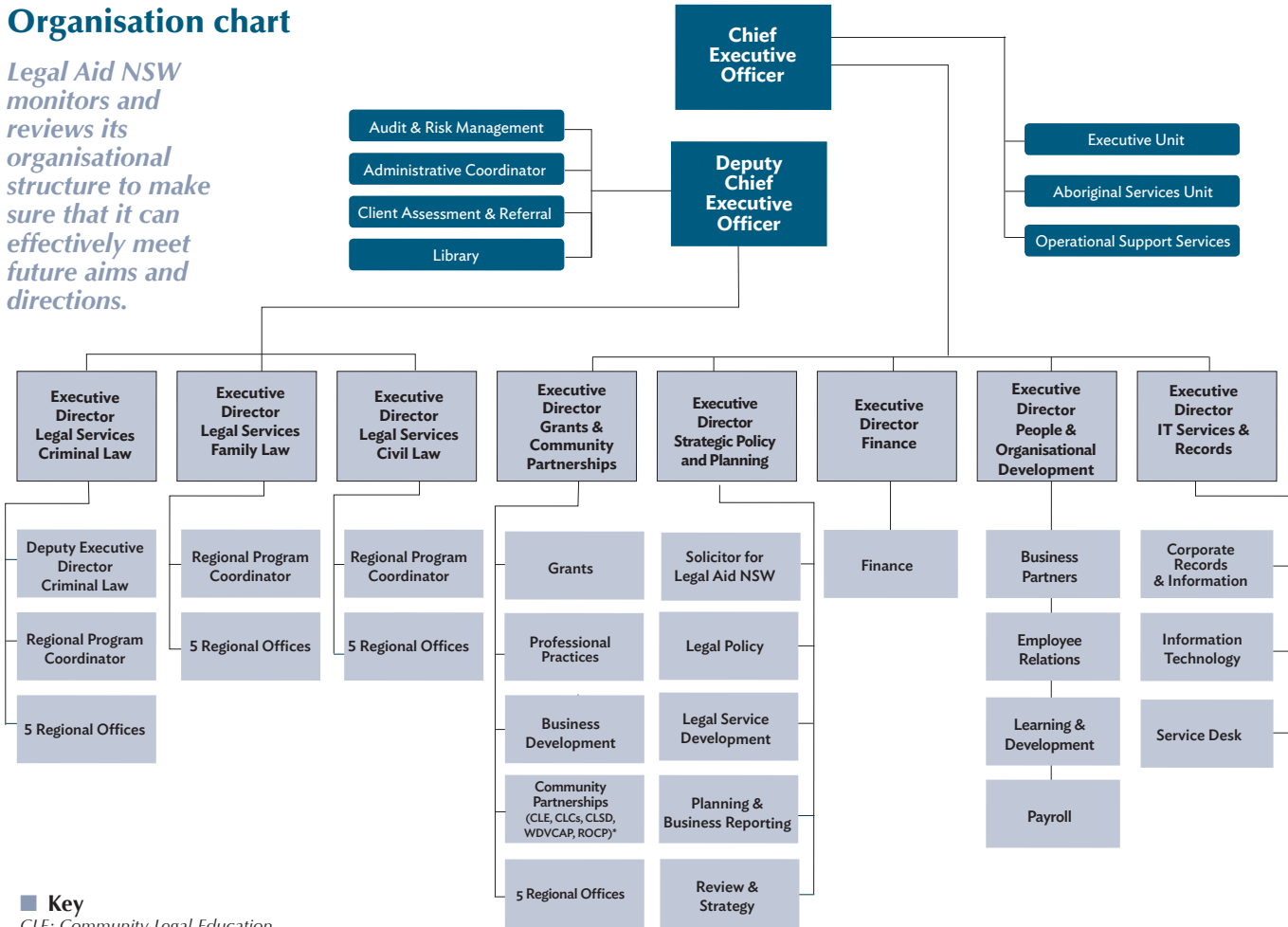
<b>Organisation chart</b>	<b>51</b>
<b>Key activities of the Board</b>	<b>52</b>
<b>Board members</b>	<b>53</b>
<b>Executive Directors</b>	<b>54</b>
<b>Governance framework</b>	<b>56</b>
<b>Public accountability</b>	<b>58</b>
<b>Legislative compliance</b>	<b>59</b>
<b>Privacy</b>	<b>59</b>

#### Major achievements

- The Board oversaw key operational reviews and changes as well as implementation of the National Partnership Agreement on Legal Assistance Services.
- Developed a new Legal Aid NSW Plan for next year.
- Audited our complaint-handling process.

## Organisation chart

*Legal Aid NSW monitors and reviews its organisational structure to make sure that it can effectively meet future aims and directions.*

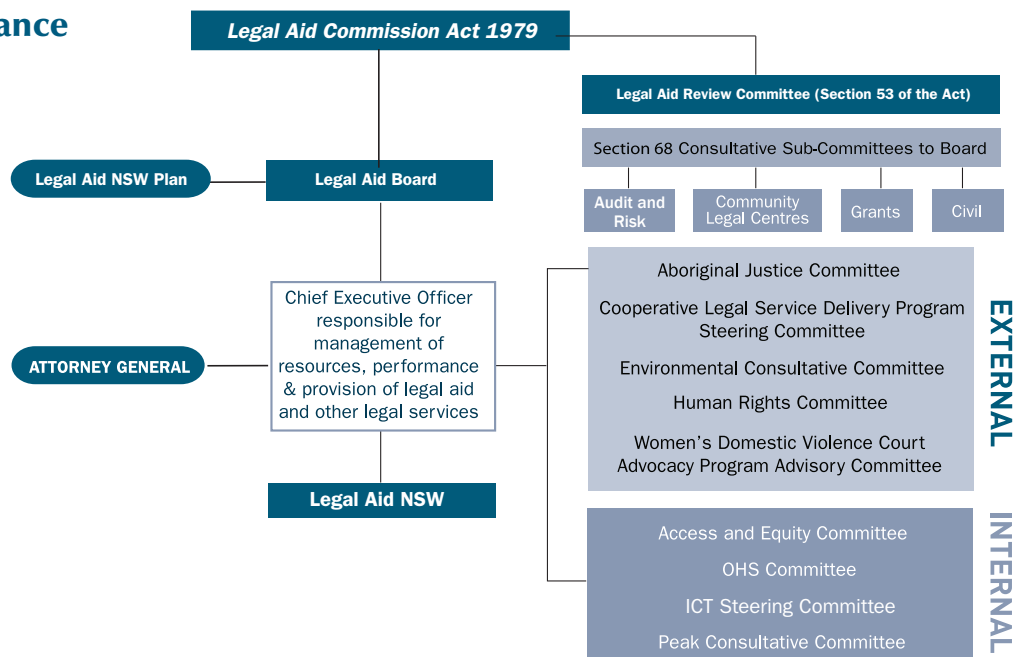


### Key

CLE: Community Legal Education  
 CLCs: Community Legal Centres  
 CLSD: Cooperative Legal Service Delivery Program  
 WDVCAP: Women's Domestic Violence Court Advocacy Program  
 ROCP: Regional Outreach Clinic Program

## Corporate governance framework

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



# Corporate governance

## 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 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.

In February 2013, the NSW Attorney General appointed a new Board for a term of three years to February 2016. Six Board members were re-appointed. Four members are new, including a new Chair.

### Key activities of the Board

As part of its charter to establish the broad policies and strategic plans of Legal Aid NSW, the Board endorsed the 2013–2014 Legal Aid NSW Plan. The Board was also regularly updated on the progress of Legal Aid NSW against performance indicators set out in the National Partnership Agreement on Legal Assistance Services and noted that Legal Aid NSW had exceeded the performance benchmarks in all areas of the National Partnership Agreement with the Commonwealth Government.

The Board was briefed on a number of legislative changes which would impact on the delivery of legal aid services. These included legislation on the right to silence, the continued supervision and detention of high risk violent offenders and mandatory pre-trial defence disclosure.

As part of the audit and risk strategy, a number of internal audits were completed this financial year including audits of fleet management, business continuity and disaster recovery, information security, and the complaints handling system. The Board will oversee the implementation of recommendations arising from these.

The Board approved a number of policy amendments designed to assist Legal Aid meet its savings targets. These included:

- amendments to a range of civil law policies, including policies relating to public interest environment matters;
- changes to the availability of legal aid for Local Court defended hearings; and
- changes to the availability of representation at the Guardianship Tribunal.

There were no emergency decisions required during the year.

### Meetings of the Board

Five meetings were held in 2012–2013. 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; strategic operations, policies and law reform issues took up the remaining 30 per cent of the Board's time.

### 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.

### Active on committees

The Board is advised on specific matters by a number of committees. These include the Community Legal Centres Sub-Committee and Audit and Risk Committee, which advises on budgetary and internal audit matters.

### YEAR AHEAD

Establish two new sub-committees – Crime and Grants, and Community Partnerships to advise the Board on issues affecting legal aid service delivery and funding issues affecting legal assistance services in New South Wales.

### KEY CHALLENGE

Ensuring that decisions the Board makes, within a cost-cutting environment, target those most in need of legal assistance.

*Board members who served but are not pictured:*

*The Hon Peter Collins AM RFD QC BA LLB (Syd). Served as Chair 2009 to November 2012. (Attended 2 meetings)*

*Rev Harry Herbert BA BD STM Dip. Legal Studies. Served for 19 years until his appointment expired in November 2012. (Attended 2 meetings)*

*Ian McClintock SC BA LLB (UNSW). Served from 2009 to November 2012. (Attended 1 meeting)*

*Maria Girdler BA LLB (UNSW) Served from 2009 until her resignation in March 2013. (Attended 2 meetings)*

*Barbara Ramjan BA(Hons)(UniSyd); GradDip Crim (UniSyd); BTeach(UWS); MHL(UniSyd). Served from 2011 to November 2012. (Attended 2 meetings)*

*Board members l to r – Ainslee van Onselen, Annette Bain, John Bordon, Mary Macken, Craig Smith (Chair), Andrea Durbach, Philip Bickerstaff, Bill Grant (CEO). Absent: John McKenzie and Stephen Hanley.*



## Board members 1 July 2012 to 30 June 2013

### Craig Smith

Dip Law Dip Crim

Appointed by the NSW Attorney General in February 2013 as Chair for the period commencing 18 February 2013 to 17 February 2016.

A solicitor and former Judicial Registrar, District Court of NSW, Craig has 41 years experience in the administration of justice. He has worked in various government legal and policy positions, including senior positions with the Office of the Director of Public Prosecutions. He was Director Court Services and then Director Judicial Support prior to his appointment as Judicial Registrar in 2010. (Attended 2 meetings)

### Bill Grant

OAM LLB (see bio on page 54)

Appointed by the NSW Attorney General as CEO in 2011. (Attended 5 meetings)

### Andrea Durbach

BA LLB DipLaw

Appointed by the NSW Attorney General in 2007 and reappointed for a further term commencing 18 February 2013 to 17 February 2016.

Andrea is Associate Professor at the Faculty of Law, University of New South Wales 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 5 meetings)

### Philip Bickerstaff

MCom

Appointed by the NSW Attorney General in 2005 and reappointed for a further term commencing 18 February 2013 to 17 February 2016.

Philip retired from the NSW Public Sector in 2005 after 37 years, 29 of those with NSW Treasury. Philip is Chair of the Board's Audit and Risk Committee and also a member of the Ryde Family Support Service and Fairfield Community Resource Centre. (Attended 5 meetings)

### Mary Macken

MA LLM FAICD

Appointed by the NSW Attorney General in 2009 and reappointed for a further term commencing 18 February 2013 to 17 February 2016.

Nominated by the Law Society of NSW, Mary is a past President of the Law Society of NSW and a practicing 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 1 meeting)

### John Bordon

BA LLB LLM

Appointed by the NSW Attorney General in 2009 and reappointed for a further term commencing 18 February 2013 to 17 February 2016.

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 5 meetings)

### Annette Bain

MA Dip Ed BLegS MAICD

Appointed by the NSW Attorney General in February, 2013 for the period commencing 18 February 2013 to 17 February 2016.

Annette is Head of Pro Bono and Community at global law firm Herbert Smith Freehills. Before that, she worked as a barrister in Sydney, and as a community lawyer at the Domestic Violence Advocacy Service and NSW Women's Legal Service. Annette is a member of the Australian Attorney-General's International Pro Bono Advisory Group and the New South Wales Premier's Council on Homelessness. (Attended 2 meetings)

### Stephen Hanley SC

BA LLB LLM

Representative of the NSW Bar Association

Appointed by the NSW Attorney General in February 2013 for the period commencing 18 February 2013–2017 February 2016. In June 2013, the NSW Attorney General appointed Stephen Hanley SC as a judge of the District Court of NSW. The position of Representative of the NSW Bar Association remains vacant. (Attended 2 meetings) (Alternate: Timothy Game SC)

### Ainslie van Onselen

LLB MAppFin GDipAppFin GAICD

Appointed by the NSW Attorney General in February 2013 to represent consumer and community welfare for the period commencing 18 February 2013 to 17 February 2016.

Ainslie has practised as a commercial litigator for over 17 years and is admitted to practise law in several jurisdictions across Australia. She is the Deputy Chairperson of the Insurance Commission of Western Australia and former National President and current independent director of the Migration Institute of Australia. She is an executive at Westpac Banking Corporation. (Attended 1 meeting)

### John McKenzie

BComm LLB, Accredited Criminal Law Specialist

Appointed by the NSW Attorney General in May 2013 for the period commencing 13 May 2013 to 17 February 2016.

John has been the Chief Legal Officer for the Aboriginal Legal Service (NSW/ACT) Ltd since July 2006. Before that he was Principal Solicitor of the Many Rivers Aboriginal Legal Service in Newcastle (2001–2006) and Solicitor in Charge of Gosford Legal Aid NSW office (1994–2000).

John was Principal Solicitor on the Royal Commission into Aboriginal Deaths in Custody from late 1987 to its conclusion in 1991. In 2011 he was awarded the Justice Medal at the Law and Justice Foundation of NSW annual Justice Awards. (Attended 1 meeting)

# Corporate governance

## Executive Directors

Our senior management team is diverse and highly experienced, each director contributing to the strength of our organisation and helping to achieve our goals.



**BILL GRANT**  
OAM LLB  
**Chief Executive Officer**  
(SES Level 6)

Budget total: \$243.4M  
Total staff (FTE): 871.25  
Actual: 959

Bill commenced as CEO in December 2011 – his second term after serving as CEO from 2001 to 2007.

From 2007-2011, Bill was 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.

Despite a difficult funding environment, Bill ensured that Legal Aid NSW continues to be an innovative, creative and forward-thinking organisation, with a strong focus on service delivery for our clients.

He effectively managed to deliver budget savings across Legal Aid NSW by adopting a rigorous and strategic approach and resolving issues and concerns early.

He ensured the growth of early intervention programs under the National Partnership Agreement with the Commonwealth and helped to build strong relationships with heads of jurisdictions and leaders across the justice sector.

For more information, see Appendix 1.



**STEVE O'CONNOR**  
Dip Law (BAB) Dip Crim  
**Deputy Chief Executive Officer**  
(SES Level 4)

Budget total: \$163.8M  
Total staff (FTE): 753.63  
Actual: 827

Steve returned to Legal Aid NSW in September 2012, having previously held the role of Deputy CEO Legal.

Steve also undertakes the role of Chief Audit Executive.

Previously, Steve was the Solicitor for Public Prosecutions in the Office of NSW Director of Public Prosecutions and had been appointed a part-time Commissioner of the NSW Law Reform Commission. Steve had also been appointed an Acting Magistrate of the Local Court of NSW.

For the last seven years Steve has held the position of Honorary Director on the Board of the Aboriginal Legal Service (NSW/ACT) Ltd.

This year Steve has reinforced strong external partnerships with various government and non-government agencies. In addition Steve was a member of the Trial Efficiency Working Group that reported to the State Attorney General on the question of Mandatory Defence Disclosure. The last year has also seen Steve take an active role in addressing District Court trial backlogs.



**KYLIE BECKHOUSE**  
BA LLB  
Accredited Family Law Specialist  
**Executive Director Legal Services Family Law**  
(Senior Officer Grade 2)

Budget total: \$45.2M  
Total staff (FTE): 204.23  
Actual: 228

Kylie has practised as a family lawyer, first in private practice and then at Legal Aid NSW, for the last 20 years. She was appointed Executive Director of the Family Law Division in May 2009.

Kylie is a member of the Family Law Council of Australia and the Children's Court of NSW Advisory Committee.

Under Kylie's leadership the family law program has introduced many groundbreaking innovations to family law services.

This year her division again achieved significant increases in the number of family law services delivered across New South Wales, including duty and minor assistance services and community legal education.

The family law early intervention duty service achieved a high rate of favourable outcomes for clients, and services were increased to people from culturally and linguistically diverse backgrounds as the result of a new partnership with Settlement Services International.



**BRIAN SANDLAND**  
BCom LLB PSM  
**Executive Director Legal Services Criminal Law**  
(SES Level 3)

Budget total: \$84.7M  
Total staff (FTE): 251.14  
Actual: 280

Brian has worked in private practice and then in Legal Aid NSW for 33 years, firstly in civil law for four years and then in criminal law for the last 29 years.

He has held senior management roles in regional offices and Central Sydney and been Director of the Criminal Law Division since 2003.

Brian enhanced the quality of criminal legal services despite fiscal constraints.

His division achieved a significant increase in minor assistance services and strengthened the duty solicitor service with the Metropolitan Duty Scheme. He guided the systematic review of sentence matters following the High Court decision in *Muldrock v The Queen*.



**RICHARD FUNSTON**  
BCom LLB EMPA  
Accredited Criminal Law Specialist  
**Executive Director Grants and Community Partnerships**  
(SES Level 2)

Budget total: \$32.9M  
Total staff (EFT): 163.89  
Actual: 179

Richard's previous 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 16 years with Legal Aid NSW, Richard has held leadership roles across the organisation including Solicitor in Charge of the Children's Legal Service, Director Grants and Director Strategic Planning and Policy.

Richard's key achievement this year was overseeing reviews of a number of our services including ATLAS (our grants management system), the Community Legal Centre/Legal Aid NSW partnership program and our guidelines for managing complaints.

Richard also chairs our Reconciliation Action Plan Committee and the New South Wales Legal Assistance Forum Prisoners Working Group.

He is involved in inter-departmental family and domestic violence work.





**MONIQUE HITTER**

BSW Dip Law

**Executive Director  
Legal Services Civil Law**  
(Senior Officer Grade 2)

Budget total:	\$17.3M
Total staff (FTE):	129.95
Actual:	140

Monique has worked as a lawyer since 1997 in the community, 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 New South Wales.

Monique has been the Director of the Civil Law Division since July 2007. She is also a member of the Women's Advisory Council for Corrective Services NSW.

This year Monique conducted a review of the Civil Law Division and its strategic plan in response to emerging legal needs and building on the success of innovative early intervention services developed over the past five years.

Her division has performed strongly across all civil law services, including a very significant increase in advice and minor assistance services, especially in outreach locations.

The division has also been developing communities of practice in key areas of emerging legal need.



**ANNMARIE LUMSDEN**

BA LLB Dip Bus EMPA

Accredited Criminal Law Specialist  
**Executive Director  
Strategic Policy and Planning**  
(SES Level 2)

Budget total:	\$1.9M
Total staff (FTE):	17.8
Actual:	20

In her 16 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 previous experience includes seven years at the Legal Aid Office ACT, as well as working in private practice and government.

Annmarie was appointed as a Director of the Public Interest Advocacy Centre (PIAC) in 2012. She is the Legal Aid NSW nominee on the PIAC Board.

This year, Annmarie was responsible for finalising the development of a new Business Intelligence tool and the launch of a comprehensive series of data dashboards which allow staff to self-select frequently used operational data in a flexible way. The BI tool facilitates reporting of data quickly and accurately, contributing to more efficient decision making, resource management and service delivery.



**CLARE HAMILTON**

B Bus (Accounting) CPA

**Executive Director  
Finance**  
(Senior Officer Grade 2)

Budget total:	\$34.1M
Total staff (FTE):	18.6
Actual:	19

Clare was appointed to this position in 2008.

Clare's experience over 29 years includes senior finance, corporate services and management roles in a number of NSW public sector agencies. Clare has worked with a number of agencies to improve their financial systems, structures and reporting and to manage significant change across all areas of corporate services.

This year, Clare implemented a revised chart of accounts as part of the successful implementation of a major reconfiguration to the financial management system. In addition, she implemented a new finance reporting system to provide increased flexibility of reporting for internal and external stakeholders.



**VICKI LEAVER**

BA Dip Ed

**Executive Director  
People and Organisational Strategy**  
(Senior Officer Grade 2)

Budget total:	\$1.9M
Total staff (FTE):	17.32
Actual:	18

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.

This year Vicki restructured her area and introduced 'business partnering' to better support managers.

Other achievements include delivering the Health and Wellbeing Strategy – Managing Self and introducing a user-friendly online system of Employee Self Service.

Under Vicki's early intervention case management program, there was a reduction in both the number of workers' compensation claims and the cost of these claims.



**WAYNE GALE**

BA (Computing)  
MCom (Accounting)

**Executive Director,  
Information Technology Services and Records**  
(Senior Officer Grade 2)

Budget total:	\$4.4M
Total staff (FTE):	31.62
Actual:	33

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 27 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.

This year Wayne and his team completed a number of key achievements, including the development of the new Business Intelligence system, the completion of the Joined Up Justice project, improvements in information management and the broader use of mobile technologies across Legal Aid NSW.

# Corporate governance

## 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 pages 52-53.

The daily management of Legal Aid NSW is overseen by the Chief Executive Officer, with assistance from the Deputy CEO and eight Executive Directors.

The CEO has a performance agreement with the NSW Attorney General (see Appendix 1). The Deputy CEO 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 the *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

Legal Aid NSW developed a new corporate plan for 2013–2014. Staff and private lawyers contributed to the development of the plan via two separate online surveys. The new Board of Legal Aid NSW also provided strategic and operational input. The plan sets out what we will achieve in 2013–2014 and includes targets, service measures and time frames to ensure actions are delivered. The Plan is monitored quarterly and progress reports are provided to the Board. Individual divisions within Legal Aid NSW prepare divisional plans under the same four objectives of the Legal NSW Plan.

The *Legal Aid NSW Plan 2013–2014*, setting out objectives and actions, is available 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 access to 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. Monthly financial reports are prepared for the CEO, the Audit and Risk Committee and the Board. A commentary including detailed analysis is also provided. The Executive Director, Finance provides expert advice at 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.

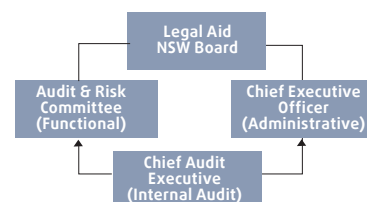
Each audit has a stated objective and scope of activity. All audit recommendations to improve controls require a management response detailing the action that will be taken to implement the recommendations, the designated responsible officer and an identified completion date for implementation.

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. In 2012–2013, five internal audits were conducted by Legal Aid NSW.

During 2012-2013, Legal Aid NSW obtained an updated three-year risk assessment from Deloitte Touche Tohmatsu. As a consequence, a three-year internal audit plan is in place from 2013–2014. Six audits are scheduled for each of the three years.

## 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.



### Report from the Audit and Risk Committee 2012-2013

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 (Philip 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 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 8 occasions in 2012-2013 and reviewed a range of matters including:

- Monthly financial results;
- Internal Audit Plan for 2012-2013;
- End of Year Financial Statements;
- Updates on Internal Audits and the implementation of recommendations;
- Board papers with financial implications; and
- An updated Risk Assessment and three-year Internal Audit Plan.

The following internal audits were completed during the year:

- Fleet management Review;
- Business Continuity and Disaster Recovery Planning and Testing;
- Review of Implementation of the Recommendations of the Audit of Information Security;
- Audit and Review of Practitioner Assessment in the ATLAS Grants Management System; and
- Legal Aid NSW Complaints System.

  
Philip Bickerstaff M Comm  
Independent Chair

October 2013

### Internal Audit and Risk Management Statement for Legal Aid NSW 2012-2013

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:

- Philip Bickerstaff, Independent Chair (3 year appointment)
- Lyn Baker, Independent Member (3 year appointment)
- Kylie Beckhouse, Non-Independent Member (3 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.



William Grant  
Chief Executive Officer

### 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.

### ■ YEAR AHEAD

Conduct six internal audits.

Deliver and be accountable against the priorities in our *Legal Aid NSW Plan 2013-2014*, and begin work on a new plan early in 2014.

### ■ KEY CHALLENGE

Implementing a new *Legal Aid NSW Plan*, balancing planned growth in our services with our responsibilities for sound fiscal management, especially in meeting savings requirements.

# Corporate governance

## Public accountability

*We are accountable to the public through an appeals system that guarantees procedural fairness and an open and efficient complaints process.*

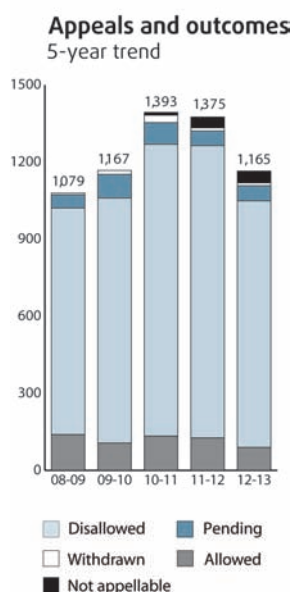
### Appealing decisions

Six independent Legal Aid Review Committees (LARCs) determine appeals relating to legal aid grants and applications for grants of legal aid that have been refused. They are established under the *Legal Aid Commission Act 1979* to ensure our clients have fair and equitable access to legal aid services. Committee members are appointed for a period of up to two years, and are eligible for re-appointment.

This year the review committees held 63 meetings and one teleconference. The committees allowed appeals in 90 of 1,165 matters submitted, compared to 127 appeals allowed out of 1,375 last year. See the table above.

### Appeal trends over five years

While appeal numbers increased between 2008 and 2010, since then there has been a declining trend in the total number of appeals (from 1,393 in 2010-2011 to 1,165 in 2012-2013) and the percentage of appeals allowed has also decreased over the same period (from 9.62% to 7.73%). See the graph below.



## Appeals and outcomes 1 July 2012 to 30 June 2013

Law Type	Allowed	Disallowed	Pending	Withdrawn	Not Appellable	Total Appeals	Appeals Allowed (%)
Family	69	702	40	7	0	818	8.45
Criminal	16	133	11	3	46	209	7.66
Civil	5	124	8	1	0	138	3.62
<b>Total</b>	<b>90</b>	<b>959</b>	<b>59</b>	<b>11</b>	<b>46</b>	<b>1,165</b>	<b>7.73</b>

### Service review – greater efficiency

A new online training module has assisted new Committee members and Legal Aid NSW staff to understand the appeal process. It will be incorporated into face-to-face training sessions for LARC members and Legal Aid NSW staff in 2013–2014.

An iPad pilot helped reduce the number of printed appeal materials generated for each LARC meeting and was well received. It is anticipated that using electronic materials will reduce costs, resources and paper waste.

Information on how to appeal to the LARCs can be found in the *Get legal help > Apply for legal aid* section of the Legal Aid NSW website.

### Complaint handling

Complaints can be made in a number of ways about Legal Aid NSW services and assigned legal services. Complaint forms are available in all Legal Aid NSW offices and also on the Legal Aid NSW website. The website also features a set of frequently asked questions regarding the making of complaints.

Legal Aid NSW received 589 complaints in 2012–2013, comparatively fewer than the 604 complaints received in 2011–2012. The highest numbers of complaints were in relation to eligibility for legal aid (51%), followed by quality of service complaints (27%), mirroring 2011–2012 data.

Legal Aid NSW has closely examined its complaint handling processes this year through an independent audit by KPMG and plans to introduce a more centralised process in 2013–2014. The new process will coordinate

the handling of complaints across the organisation in order to provide a more streamlined service.

This new system will allow Legal Aid NSW to keep track of the progress of complaints and provide an opportunity to develop complaints handling as a value-adding function which supports continuous improvement across Legal Aid NSW.

### Total complaints

Type	No.
Eligibility	300
Fees	14
Inhouse quality of service	162
Private lawyers	45
Systems or processes	22
Other	46
<b>Total</b>	<b>589</b>

### ■ YEAR AHEAD

Review and roll out the LARC iPad pilot and develop an e-based report writing process.

Conduct training on appeal processes and procedures for all LARC Committee members.

Introduce a new complaint handling process and appoint a complaints and customer service project officer.

### ■ KEY CHALLENGE

Ensuring that all complaints are captured and recorded within a centralised system by all staff members who handle complaints; and that there is clear ownership, responsibility and accountability for the implementation and ongoing support of complaints handling across Legal Aid NSW.

---

## Legislative compliance

### Significant cases and legislative amendments

***There was one significant case relating to the provision of legal aid this year.***

Section 57 of the *Legal Aid Commission Act 1979* allows a party to seek an adjournment of proceedings if the party has appealed to the Legal Aid Review Committee and is waiting for the appeal to be decided. In *Soames v Secretary, Department of Families, Housing, Community Services and Indigenous Affairs* [2013] FCA 260, Katzmann J confirmed at paragraph 20 that the right to an adjournment under section 57 'will operate at any stage before judgment' in Commonwealth matters. This extends to a right to seek an extension of time to file submissions after the hearing.

### Public interest disclosures

In December 2012, Legal Aid NSW launched a *Public Interest Disclosures Act Internal Reporting Policy*, which confirms our commitment to protect staff who report wrongdoing in the workplace, and informs staff about their roles and responsibilities in relation to internal reporting. Legal Aid NSW also launched online training modules to further explain the policy. Legal Aid NSW did not receive any public interest disclosures during 2012–2013.

## Right to information

The *Government Information (Public Access) Act 2009* (GIPA Act) provides for a regime of open government information, encouraging release of information without the need for formal applications.

During 2012–2013, 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.

The number of informal requests for information received by Legal Aid NSW remained at a similar level to the previous financial year. The number of formal applications decreased from 22 to 15. However, the formal applications dealt with were notably more complex than those received last year, with many raising complex legal issues including issues regarding legal professional privilege.

Another trend was an increase in the number of reviews of original access decisions sought by applicants (nine reviews were initiated, compared to three last year).

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. Details of the number of applications dealt with under the GIPA Act are provided in Appendix 9.

## Privacy

The *Privacy and Personal Information Protection Act 1998* (PPIPA Act) and the *Health Records and Information Privacy Act 2002* (HRIPA Act) set out privacy standards for New South Wales public sector agencies. The *Privacy Code of Practice for Legal Aid NSW* approved by the NSW Attorney General in June 2000 modifies the application of the PPIPA 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.

The *Legal Aid NSW Privacy Management Plan* has recently been revised to ensure it is effective and up to date. The plan describes our policies and practices to ensure compliance with the Information Protection Principles in the PPIPA Act and the Health Privacy Principles in the HRIPA Act.

Part 5 of the PPIPA 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. One application for internal review was received during 2012–2013.

---

### ■ YEAR AHEAD

Implement a revised Privacy Management Plan and raise awareness and understanding amongst staff about their obligations under privacy legislation.

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### ■ KEY CHALLENGE

Ensuring compliance with the various pieces of legislation that govern what information we can provide to clients and the public within existing resources.

## Section 5

### Financial summary

Setting strategic direction, monitoring progress, ensuring compliance

#### CONTENTS

<b>Financial overview</b>	<b>61</b>
<b>Financial performance</b>	<b>62</b>
<b>Financial statements</b>	<b>63</b>

#### Key results

Total revenue	\$247.4 million
Total expenses	\$236.3 million
Net equity	\$30.2 million
Surplus	\$10.7 million

## Financial overview

**The continuing operation of Legal Aid NSW depends upon strong financial management.**

This year we implemented a more flexible reporting system to better meet the organisation's needs, and began developing a Finance dashboard report.

### 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 State Government and the Commonwealth Government. In addition, income is received from the Public Purpose Fund, interest and client contributions.

Total income for 2012–2013 was \$247.4 million and expenditure was \$236.3 million.

Funding from the State Government was \$117.7 million. This represents a 3.9% increase on 2011–2012.

Funding from the Commonwealth Government under the National Partnership Agreement was \$62.6 million. This represents a 1.6% increase on 2011–2012.

## Key developments

There was an operating surplus of \$10.7 million, which is a variance to budget of \$11.6 million.

Before end of year actuarial adjustments, our financial result was within 1% of budget.

We ended the year with net equity of \$30.2 million.

Payments of \$94.3 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.

## Major achievements

### ■ PRIORITY: EXCELLENCE IN LEGAL SERVICES

#### Improving the way we work

This year, we implemented a revised chart of accounts as part of the successful implementation of a major reconfiguration to the financial management system. In addition, we implemented a new finance reporting system which works with the new configuration to provide increased flexibility of reporting for internal and external stakeholders.

#### 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.

### ■ YEAR AHEAD

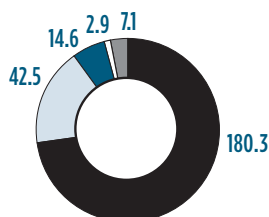
Develop a Finance dashboard and further refine the budget process.

### ■ KEY CHALLENGE

Continuing to operate within budget and maintain high quality services to clients.

## Revenue

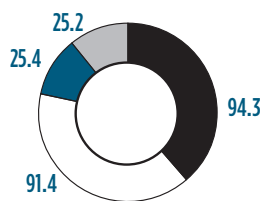
Where our money came from (\$M)



- State Appropriation including Commonwealth NPA funding
- Public Purpose Fund Grant
- Other Grants
- Interest
- Other

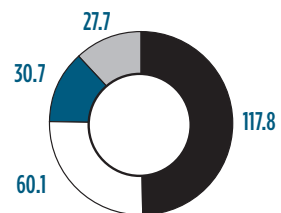
## Total expenditure: \$236.3 million

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 summary

## Financial performance

The financial result for Legal Aid NSW was a surplus of \$10.7 million—\$11.6 million above the budgeted deficit of \$0.9 million. Before end of year adjustments, our financial result was within less than 1% of budget.

### Income

Total income for 2012–2013 was \$247.4 million and expenditure was \$236.3 million.

Funding from the State Government was \$117.7 million.

Funding from the Commonwealth Government under the National Partnership Agreement was \$62.6 million.

Funding from other sources includes \$42.5 million from the Public Purpose Fund, \$14.6 million from Other Grants Received, \$2.9 million from Interest, and \$7.1 million from Other.

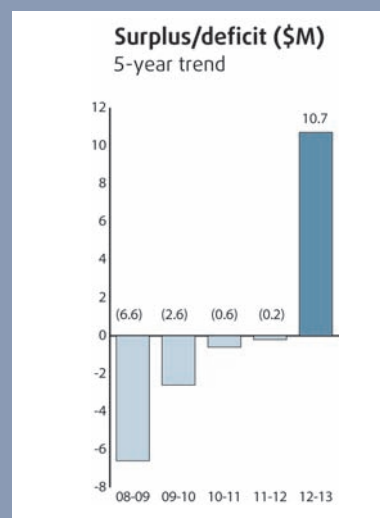
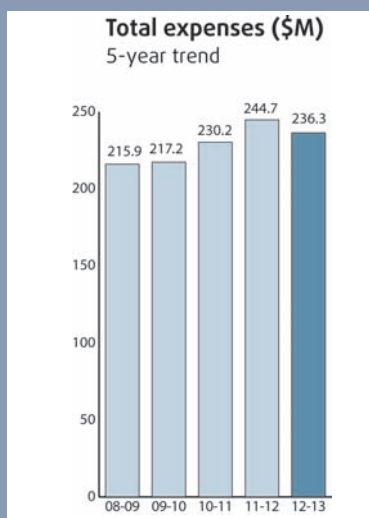
### Expenses

Our major expenses were:

- employee-related expenses of \$91.4 million (\$91.2 million in 2011–2012); and
- payments to private lawyers of \$94.3 million (\$100.3 million in 2011–2012).

Total expenses for Legal Aid NSW are estimated at \$247.2 million in 2013–2014, an increase of 1.6% on the 2012–2013 budget.

The increase mainly relates to the increase in employee-related expenses of \$1.5 million, and payments to private lawyers of \$2.3 million.



## Budget outline 2013–2014

Operating Statement	(\$M)
Revenue (including government contributions)	246.9
Expenditure	247.2
Other Gains/Losses	(0.2)
Net Result	(0.4)

Balance Sheet	(\$M)
Current Assets	82.8
Non-Current Assets	15.3
Total Assets	98.1
Current Liabilities	80.6
Non-Current Liabilities	4.5
Total Liabilities	85.1
Net Assets	13.0
Equity	13.0

## Financial words we use

### 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 New South Wales.

### 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 34 to 35).



## Financial Statements

### Legal Aid Commission of NSW

The Legal Aid Commission of NSW (Legal Aid NSW) economic entity consists of two separate reporting entities; being the Legal Aid Commission (a statutory body) 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 (see page 94).

### CONTENTS

<b>Statement by Members of the Board</b>	<b>64</b>
<b>Independent Auditor's Report</b>	<b>65</b>
<b>Statement of Comprehensive Income</b>	<b>67</b>
<b>Statement of Financial Position</b>	<b>68</b>
<b>Statement of Changes In Equity</b>	<b>69</b>
<b>Statement of Cash Flows</b>	<b>70</b>
<b>Service Group Statements</b>	<b>71</b>

### Notes to the financial statements for the year ended 30 June 2013

1. (a)–(m) Summary of significant accounting policies	73
2. Expenses	78
3. Revenue	79
4. Gain/(loss) on disposal	80
5. Other gains/(losses)	80
6. Service groups/activities of legal aid nsw	81
7. Current assets - cash and cash equivalents	81
8. Current/non-current assets - receivables	81
9. Non-current assets - plant and equipment	82
10. Intangible assets	82
11. Current liabilities - payables	82
12. Current/non-current liabilities - provisions	83
13. Non-current liability - other	83
14. Superannuation fund information	84
15. Commitments for expenditure	87
16. Contingent liabilities and contingent assets	88
17. Budget review	88
18. Reconciliation of cash flows from operating activities to net result	89
19. Trust funds	89
20. Financial instruments	89
21. Events after reporting period	93

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## Financial statements

### Statement by Members of the Board

#### LEGAL AID COMMISSION OF NEW SOUTH WALES

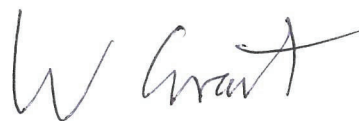
##### Statement by Members of the Board

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 Code for NSW for General Government Sector Entities 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 2013 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.



Craig Smith  
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 2013, the statements of comprehensive income, statements of changes in equity and statements of cash flows and service group statements 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 2013, 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 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 give a true and fair view and 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.

---

# Financial statements

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the Commission or consolidated entity
- that they have carried out their activities effectively, efficiently and economically
- about the effectiveness of 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 roles by the possibility of losing clients or income.



Jack Kheir  
Director, Financial Audit Services

23 September 2013  
SYDNEY

## START OF AUDITED FINANCIAL STATEMENTS

**Statement of Comprehensive Income for the year ended 30 June 2013**

	Notes	Actual 2013 \$'000	Consolidated Budget 2013 \$'000	Actual 2012 \$'000	Parent Actual 2013 \$'000	Actual 2012 \$'000
<b>Expenses excluding losses</b>						
Operating expenses						
Employee related	2(a)	91,371	92,959	91,163	168	313
Personnel services	2(a)	-	-	-	80,152	118,046
Other operating expenses	2(b)	19,487	20,114	21,123	19,487	21,123
Depreciation and amortisation	2(c)	5,654	4,500	5,077	5,654	5,077
Grants and subsidies	2(d)	25,419	24,430	26,655	25,419	26,655
Finance costs	2(e)	25	-	320	25	320
Other expenses	2(f)	94,300	101,383	100,344	94,300	100,344
<b>Total Expenses excluding losses</b>		<b>236,256</b>	<b>243,386</b>	<b>244,682</b>	<b>225,205</b>	<b>271,878</b>
<b>Revenue</b>						
Sale of goods and services	3(a)	5,498	3,948	4,990	5,498	4,990
Investment revenue	3(b)	2,904	4,312	4,293	2,904	4,293
Grants and contributions	3(c)	237,396	234,110	233,899	237,396	233,899
Other revenue	3(d)	1,554	331	452	1,554	452
<b>Total Revenue</b>		<b>247,352</b>	<b>242,701</b>	<b>243,634</b>	<b>247,352</b>	<b>243,634</b>
<b>Gain/(Loss) on Disposal</b>	4	<b>65</b>	<b>35</b>	<b>108</b>	<b>65</b>	<b>108</b>
<b>Other Gains/(Losses)</b>	5	<b>(424)</b>	<b>(200)</b>	<b>739</b>	<b>(424)</b>	<b>739</b>
<b>Net Result</b>	18	<b>10,737</b>	<b>(850)</b>	<b>(201)</b>	<b>21,788</b>	<b>(27,397)</b>
<b>Other Comprehensive Income</b>						
Items that will not be reclassified to net result						
Superannuation actuarial gains/(losses)	14	11,051	-	(27,196)	-	-
<b>Total Other Comprehensive Income</b>		<b>11,051</b>	<b>-</b>	<b>(27,196)</b>	<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>21,788</b>	<b>(850)</b>	<b>(27,397)</b>	<b>21,788</b>	<b>(27,397)</b>

The accompanying notes form part of these financial statements

# Financial statements

## Statement of Financial Position for the year ended 30 June 2013

	Notes	Consolidated			Parent	
		Actual 2013 \$'000	Budget 2013 \$'000	Actual 2012 \$'000	Actual 2013 \$'000	Actual 2012 \$'000
<b>ASSETS</b>						
<b>Current Assets</b>						
Cash and cash equivalents	7	82,574	75,297	79,308	82,574	79,308
Receivables	8	3,863	5,375	4,801	3,863	4,801
<b>Total Current Assets</b>		<b>86,437</b>	<b>80,672</b>	<b>84,109</b>	<b>86,437</b>	<b>84,109</b>
<b>Non-Current Assets</b>						
Receivables	8	1,867	2,092	2,221	1,867	2,221
Plant and equipment	9	10,567	10,593	10,040	10,567	10,040
Intangible assets	10	3,021	4,035	4,530	3,021	4,530
<b>Total Non-Current Assets</b>		<b>15,455</b>	<b>16,720</b>	<b>16,791</b>	<b>15,455</b>	<b>16,791</b>
<b>Total Assets</b>		<b>101,892</b>	<b>97,392</b>	<b>100,900</b>	<b>101,892</b>	<b>100,900</b>
<b>LIABILITIES</b>						
<b>Current Liabilities</b>						
Payables	11	14,640	20,901	21,645	14,640	21,645
Provisions	12	53,250	38,067	66,366	53,250	66,366
<b>Total Current Liabilities</b>		<b>67,890</b>	<b>58,968</b>	<b>88,011</b>	<b>67,890</b>	<b>88,011</b>
<b>Non-Current Liabilities</b>						
Provisions	12	3,555	1,671	4,450	3,555	4,450
Other	13	274	2,683	54	274	54
<b>Total Non-Current Liabilities</b>		<b>3,829</b>	<b>4,354</b>	<b>4,504</b>	<b>3,829</b>	<b>4,504</b>
<b>Total Liabilities</b>		<b>71,719</b>	<b>63,322</b>	<b>92,515</b>	<b>71,719</b>	<b>92,515</b>
<b>Net Assets</b>		<b>30,173</b>	<b>34,070</b>	<b>8,385</b>	<b>30,173</b>	<b>8,385</b>
<b>EQUITY</b>						
Accumulated Funds		30,173	34,070	8,385	30,173	8,385
<b>Total Equity</b>		<b>30,173</b>	<b>34,070</b>	<b>8,385</b>	<b>30,173</b>	<b>8,385</b>

The accompanying notes form part of these financial statements

## Statement of Changes in Equity for the year ended 30 June 2013

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 2012</b>	8,385	-	-	8,385	8,385	-	-	8,385
Changes in accounting policy	-	-	-	-	-	-	-	-
Correction of errors	-	-	-	-	-	-	-	-
<b>Restated total equity at 1 July 2012</b>	<b>8,385</b>	<b>-</b>	<b>-</b>	<b>8,385</b>	<b>8,385</b>	<b>-</b>	<b>-</b>	<b>8,385</b>
<b>Net Result for the year</b>	<b>10,737</b>	<b>-</b>	<b>-</b>	<b>10,737</b>	<b>21,788</b>	<b>-</b>	<b>-</b>	<b>21,788</b>
<b>Other comprehensive income:</b>								
Net increase/(decrease) in plant and equipment	-	-	-	-	-	-	-	-
Changes in restoration liability	-	-	-	-	-	-	-	-
Superannuation actuarial gains/ (losses)	14 11,051	-	-	11,051	-	-	-	-
<b>Total other comprehensive income</b>	<b>11,051</b>	<b>-</b>	<b>-</b>	<b>11,051</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive income for the year</b>	<b>21,788</b>	<b>-</b>	<b>-</b>	<b>21,788</b>	<b>21,788</b>	<b>-</b>	<b>-</b>	<b>21,788</b>
<b>Transactions with owners in their capacity as owners</b>								
Increase/(decrease) in net assets from equity transfers	-	-	-	-	-	-	-	-
<b>Balance at 30 June 2013</b>	<b>30,173</b>	<b>-</b>	<b>-</b>	<b>30,173</b>	<b>30,173</b>	<b>-</b>	<b>-</b>	<b>30,173</b>
<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>	<b>35,782</b>	<b>-</b>	<b>-</b>	<b>35,782</b>	<b>35,782</b>	<b>-</b>	<b>-</b>	<b>35,782</b>
<b>Net Result for the year</b>	<b>(201)</b>	<b>-</b>	<b>-</b>	<b>(201)</b>	<b>(27,397)</b>	<b>-</b>	<b>-</b>	<b>(27,397)</b>
<b>Other comprehensive income:</b>								
Net increase/(decrease) in plant and equipment	-	-	-	-	-	-	-	-
Changes in restoration liability	-	-	-	-	-	-	-	-
Superannuation actuarial (losses)/gains	14 (27,196)	-	-	(27,196)	-	-	-	-
<b>Total other comprehensive income</b>	<b>(27,196)</b>	<b>-</b>	<b>-</b>	<b>(27,196)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive income for the year</b>	<b>(27,397)</b>	<b>-</b>	<b>-</b>	<b>(27,397)</b>	<b>(27,397)</b>	<b>-</b>	<b>-</b>	<b>(27,397)</b>
<b>Transactions with owners in their capacity as owners</b>								
Increase/(decrease) in net assets from equity transfers	-	-	-	-	-	-	-	-
<b>Balance at 30 June 2012</b>	<b>8,385</b>	<b>-</b>	<b>-</b>	<b>8,385</b>	<b>8,385</b>	<b>-</b>	<b>-</b>	<b>8,385</b>

The accompanying notes form part of these financial statements

# Financial statements

## Statement of Cash Flows for the year ended 30 June 2013

	Notes	Consolidated			Parent	
		Actual 2013 \$'000	Budget 2013 \$'000	Actual 2012 \$'000	Actual 2013 \$'000	Actual 2012 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>						
<b>Payments</b>						
Employee related		(93,083)	(92,759)	(89,303)	(168)	(313)
Grants and subsidies		(25,419)	(24,430)	(26,655)	(25,419)	(26,655)
Personnel services		-	-	-	(92,915)	(88,990)
Other		(135,064)	(135,980)	(134,469)	(135,064)	(134,469)
<b>Total Payments</b>		<b>(253,567)</b>	<b>(253,169)</b>	<b>(250,427)</b>	<b>(253,567)</b>	<b>(250,427)</b>
<b>Receipts</b>						
Sale of goods and services		5,160	3,748	5,045	5,160	5,045
Interest received		3,134	4,312	4,459	3,134	4,459
Grants and contributions		252,374	191,633	248,878	252,374	248,878
Other		436	57,291	451	436	451
<b>Total Receipts</b>		<b>261,104</b>	<b>256,984</b>	<b>258,833</b>	<b>261,104</b>	<b>258,833</b>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	18	<b>7,537</b>	<b>3,815</b>	<b>8,406</b>	<b>7,537</b>	<b>8,406</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>						
Proceeds from sale of plant and equipment		80	35	130	80	130
Purchases of plant and equipment		(4,351)	(3,570)	(4,833)	(4,351)	(4,833)
Other		-	(830)	-	-	-
<b>NET CASH FLOWS FROM INVESTING ACTIVITIES</b>		<b>(4,271)</b>	<b>(4,365)</b>	<b>(4,703)</b>	<b>(4,271)</b>	<b>(4,703)</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>3,266</b>	<b>(550)</b>	<b>3,703</b>	<b>3,266</b>	<b>3,703</b>
Opening cash and cash equivalents		79,308	75,847	75,605	79,308	75,605
<b>CLOSING CASH AND CASH EQUIVALENTS</b>	7	<b>82,574</b>	<b>75,297</b>	<b>79,308</b>	<b>82,574</b>	<b>79,308</b>

The accompanying notes form part of these financial statements



**Service Group Statements for the year ended 30 June 2013**  
(The Service Group Statement applies to both Parent and Consolidated Entities)

Supplementary Financial Statements

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	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
<b>Expenses excluding losses</b>												
Operating expenses												
Employee related/personnel services	44,914	45,115	18,846	18,640	25,654	25,988	1,957	1,420	-	-	91,371	91,163
Other operating expenses	9,179	9,907	4,188	4,552	5,568	6,147	552	517	-	-	19,487	21,123
Depreciation and amortisation	2,723	2,406	1,263	1,169	1,588	1,403	80	99	-	-	5,654	5,077
Grants and subsidies	24	5	368	380	90	4	24,937	26,266	-	-	25,419	26,655
Finance costs	12	148	6	70	7	102	-	-	-	-	25	320
Other Expenses	60,961	63,270	6,041	6,379	27,182	30,593	116	102	-	-	94,300	100,344
<b>Total Expenses excluding losses</b>	<b>117,813</b>	<b>120,851</b>	<b>30,712</b>	<b>31,190</b>	<b>60,089</b>	<b>64,237</b>	<b>27,642</b>	<b>28,404</b>	<b>-</b>	<b>-</b>	<b>236,256</b>	<b>244,682</b>
<b>Revenue**</b>												
Sale of goods and services	2,798	1,836	1,349	2,002	1,351	1,152	-	-	-	-	5,498	4,990
Investment revenue	2,059	2,898	356	540	489	855	-	-	-	-	2,904	4,293
Grants and contributions	4,610	34,891	852	8,037	167	2,314	9,006	13,745	222,761	174,912	237,396	233,899
Other revenue	699	142	431	176	369	134	55	-	-	-	1,554	452
<b>Total Revenue</b>	<b>10,166</b>	<b>39,767</b>	<b>2,988</b>	<b>10,755</b>	<b>2,376</b>	<b>4,455</b>	<b>9,061</b>	<b>13,745</b>	<b>222,761</b>	<b>174,912</b>	<b>247,352</b>	<b>243,634</b>
Gain/(loss) on disposal	45	53	11	21	9	33	-	1	-	-	65	108
Other gains/(losses)	(180)	419	(126)	147	(118)	173	-	-	-	-	(424)	739
<b>Net Result</b>	<b>(107,782)</b>	<b>(80,612)</b>	<b>(27,839)</b>	<b>(20,267)</b>	<b>(57,822)</b>	<b>(59,576)</b>	<b>(18,581)</b>	<b>(14,658)</b>	<b>222,761</b>	<b>174,912</b>	<b>10,737</b>	<b>(201)</b>
<b>Other Comprehensive Income</b>												
Other - actuarial gains/(losses)	5,458	(13,458)	2,256	(5,561)	3,189	(7,753)	148	(424)	-	-	11,051	(27,196)
<b>Total Other Comprehensive Income</b>	<b>5,458</b>	<b>(13,458)</b>	<b>2,256</b>	<b>(5,561)</b>	<b>3,189</b>	<b>(7,753)</b>	<b>148</b>	<b>(424)</b>	<b>-</b>	<b>-</b>	<b>11,051</b>	<b>(27,196)</b>
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>(102,324)</b>	<b>(94,070)</b>	<b>(25,583)</b>	<b>(25,828)</b>	<b>(54,633)</b>	<b>(67,329)</b>	<b>(18,433)</b>	<b>(15,082)</b>	<b>222,761</b>	<b>174,912</b>	<b>21,788</b>	<b>(27,397)</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.

# Financial statements

Supplementary Financial Statements

## Service Group Statements for the year ended 30 June 2013 (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	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
<b>Current Assets</b>												
Cash and cash equivalents	-	-	-	-	-	-	-	-	82,574	79,308	82,574	79,308
Receivables	2,118	2,406	847	1,339	876	1,056	22	-	-	-	3,863	4,801
<b>Total Current Assets</b>	<b>2,118</b>	<b>2,406</b>	<b>847</b>	<b>1,339</b>	<b>876</b>	<b>1,056</b>	<b>22</b>	<b>-</b>	<b>82,574</b>	<b>79,308</b>	<b>86,437</b>	<b>84,109</b>
<b>Non-Current Assets</b>												
Receivables	1,080	1,112	382	620	395	488	10	-	-	-	1,867	2,221
Plant and equipment	5,194	4,969	2,180	2,053	2,967	2,862	226	156	-	-	10,567	10,040
Intangible assets	1,485	2,242	623	926	848	1,291	65	71	-	-	3,021	4,530
<b>Total Non-Current Assets</b>	<b>7,759</b>	<b>8,322</b>	<b>3,185</b>	<b>3,600</b>	<b>4,210</b>	<b>4,642</b>	<b>301</b>	<b>227</b>	<b>-</b>	<b>-</b>	<b>15,455</b>	<b>16,791</b>
<b>TOTAL ASSETS</b>	<b>9,877</b>	<b>10,728</b>	<b>4,032</b>	<b>4,940</b>	<b>5,086</b>	<b>5,698</b>	<b>323</b>	<b>227</b>	<b>82,574</b>	<b>79,308</b>	<b>101,892</b>	<b>100,900</b>
<b>Current Liabilities</b>												
Payables	8,210	12,042	2,075	3,010	4,168	6,384	187	208	-	-	14,640	21,645
Provisions	26,175	32,843	10,983	13,570	14,951	18,919	1,141	1,034	-	-	53,250	66,366
<b>Total Current Liabilities</b>	<b>34,385</b>	<b>44,885</b>	<b>13,058</b>	<b>16,580</b>	<b>19,119</b>	<b>25,304</b>	<b>1,328</b>	<b>1,242</b>	<b>-</b>	<b>-</b>	<b>67,890</b>	<b>88,011</b>
<b>Non-Current Liabilities</b>												
Provisions	1,748	2,202	733	910	998	1,269	76	68	-	-	3,555	4,450
Other	134	27	57	11	77	15	6	1	-	-	274	54
<b>Total Non-Current Liabilities</b>	<b>1,882</b>	<b>2,229</b>	<b>790</b>	<b>921</b>	<b>1,075</b>	<b>1,285</b>	<b>82</b>	<b>69</b>	<b>-</b>	<b>-</b>	<b>3,829</b>	<b>4,504</b>
<b>TOTAL LIABILITIES</b>	<b>36,267</b>	<b>47,114</b>	<b>13,848</b>	<b>17,502</b>	<b>20,194</b>	<b>26,589</b>	<b>1,410</b>	<b>1,311</b>	<b>-</b>	<b>-</b>	<b>71,719</b>	<b>92,515</b>
<b>NET ASSET</b>	<b>(26,390)</b>	<b>(36,386)</b>	<b>(9,816)</b>	<b>(12,562)</b>	<b>(15,108)</b>	<b>(20,891)</b>	<b>(1,087)</b>	<b>(1,085)</b>	<b>82,574</b>	<b>79,308</b>	<b>30,173</b>	<b>8,385</b>

\*The name and purpose of each Service Group is summarised in Note 6.

## Notes to the Financial Statements for the year ended 30 June 2013

**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 2013 were authorised for issue by the Chair and the Chief Executive Officer on 20 September 2013.

**(b) Basis of Preparation**

The Legal Aid Commission of NSW 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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

### (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 2013 (2011–2012: \$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 or the term of lease, whichever is the lesser

## Notes to the Financial Statements for the year ended 30 June 2013

### (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 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 2012-2013.

### (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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

### (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 Commission as at 30 June. The Commission engages an actuary, *Finity Consulting Pty Limited*, to calculate the accrual.

During the current year the actuary refined the valuation model by analysing the time lag between the grant extension date and invoice certification. The actuary now uses the grant extension date (i.e. the date a decision was made to ratify an extension of grant of aid) in conjunction with the grant approval date. This enables the actuary to better analyse the time delay between grant approval and payment certification in calculating future payments to legal practitioners. The actuary has also excluded the prudential margin from the calculation as new information is now available which improves the estimate. This revision in the methodology resulted in a one off reduction in the accrual of \$5.93 million.

### (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*. An actuarial firm were engaged to undertake a calculation of Legal Aid Commission of NSW's long service leave provision for 2012–2013. The long service payments are discounted at 3.53% (3.00% in 2011–2012).

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), 3(d) & 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 2.96%, which reflects the current market assessments of the time value of money and the risks specific to the liability.

## Notes to the Financial Statements for the year ended 30 June 2013

### (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 2013 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 2010–10 regarding removal of fixed dates for first time adopters
- AASB 2011–2 regarding Trans Tasman Convergence—RDR
- AASB 2011–4 removing individual KMP disclosure requirements
- AASB 2011–6 regarding RDR and relief from consolidation
- AASB 2011–7 regarding consolidation and joint arrangements
- AASB 2011–12 regarding Interpretation 20
- AASB 2012–1 regarding fair value measurement—RDR requirements
- AASB 2012–2 regarding disclosures—offsetting financial assets and financial liabilities
- AASB 2012–3 regarding offsetting financial assets and financial liabilities
- AASB 2012–4 regarding government loans—first time adoption
- AASB 2012–5 regarding annual improvements 2009–2–11 cycle
- AASB 2012–7 regarding RDR
- AASB 2012–9 regarding withdrawal of Interpretation 1039
- AASB 2012–10 regarding transition guidance and other amendments
- AASB 2012–11 regarding RDR requirements and other amendments

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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

	Consolidated		Parent	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'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)	77,495	75,933	-	-
Superannuation—defined benefit plans*	-	(95)	-	-
Superannuation—defined contribution plans	5,920	5,757	-	-
Long service leave	1,960	3,731	-	-
Workers' compensation insurance	1,011	691	-	-
Payroll tax and fringe benefits tax	4,818	4,833	-	-
Agency staff costs	168	313	168	313
<b>Total</b>	<b>91,371</b>	<b>91,163</b>	<b>168</b>	<b>313</b>
<p>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 \$0.03m were capitalised to fixed assets in 2012–2013 (2011–2012: \$0.23m).</p> <p>*Refer Note 14. Superannuation actuarial gains of \$11.05m (2011–2012: actuarial losses of \$27.20m) are recognised in the 'Statement of Changes in Equity'.</p> <p>*Refer Note 3(d). In 2012–2013 Superannuation Defined Benefit Plans returned an income of \$1.13m which is shown in Other Revenue (2011–2012: \$0.10m)</p> <p>Total superannuation gain, including actuarial gains recognised in the 'Statement of Comprehensive Income' is \$6.26m (2011–2012: \$32.86m loss).</p>				
<b>Personnel services</b>				
Personnel services provided by the Office of the Legal Aid Commission	-	-	80,152	118,046
<b>Total</b>	<b>-</b>	<b>-</b>	<b>80,152</b>	<b>118,046</b>
<b>(b) Other operating expenses</b>				
Other operating expenses include the following:				
Operating lease rental expense - minimum lease payments	8,185	8,352	8,185	8,352
Telephone	293	474	293	474
Library resources	827	832	827	832
Consultants	214	134	214	134
Contractors	638	591	638	591
Stationery, stores and provisions	423	616	423	616
Computer running costs	2,582	2,472	2,582	2,472
Printing	432	765	432	765
Records management	617	677	617	677
Travel	970	1,062	970	1,062
Interpreters' fees	41	440	41	440
Postage	435	581	435	581
Cleaning	390	344	390	344
Practicing certificates	312	315	312	315
Electricity and gas	492	464	492	464
Insurance	114	106	114	106
Auditor's remuneration - audit of financial statements	134	126	134	126
Auditor's remuneration - Audit of IAAAS	2	2	2	2
Internal audit and audit of Trust Account	116	92	116	92
Courier and freight	76	83	76	83
Maintenance	492	596	492	596
Other	1,703	1,999	1,703	1,999
<b>Total</b>	<b>19,487</b>	<b>21,123</b>	<b>19,487</b>	<b>21,123</b>



Notes to the Financial Statements for the year ended 30 June 2013

	Consolidated		Parent	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
<b>(c) Depreciation and amortisation expenses</b>				
<b>Depreciation</b>				
Leasehold Improvements	1,970	1,893	1,970	1,893
Plant and Equipment	1,020	1,067	1,020	1,067
<b>Total</b>	<b>2,990</b>	<b>2,960</b>	<b>2,990</b>	<b>2,960</b>
<b>Amortisation</b>				
Software	2,664	2,117	2,664	2,117
<b>Total</b>	<b>2,664</b>	<b>2,117</b>	<b>2,664</b>	<b>2,117</b>
<b>Total</b>	<b>5,654</b>	<b>5,077</b>	<b>5,654</b>	<b>5,077</b>

Refer Notes 1(h)(v), 1(h)(ix), 9 & 10.

**(d) Grants and subsidies**

Domestic Violence Court Assistance Program	7,314	7,122	7,314	7,122
Community Legal Centres	17,354	18,917	17,354	18,917
Cooperative Legal Service Delivery Program	269	224	269	224
Work Development Order	270	-	-	-
ALS Field Officer Training	132	272	132	272
Legal Pathways Project Funding	60	-	60	-
Refuge Processing Project	-	25	-	25
Homelessness Outreach Project	7	22	7	22
Offshore Asylum Seekers Project	-	60	-	60
Other	13	13	13	13
<b>Total</b>	<b>25,419</b>	<b>26,655</b>	<b>25,149</b>	<b>26,655</b>

Grants to Community Legal Centres are funded by way of specific Commonwealth and discretionary State funds.

**(e) Finance costs**

Unwinding of discount rate	25	320	25	320
<b>Total</b>	<b>25</b>	<b>320</b>	<b>25</b>	<b>320</b>

**(f) Other expenses**

Solicitor services provided by private practitioners	60,327	67,141	60,327	67,141
Barrister services provided by private practitioners	20,340	19,479	20,340	19,479
Disbursements	13,634	13,724	13,634	13,724
<b>Total</b>	<b>94,300</b>	<b>100,344</b>	<b>94,300</b>	<b>100,344</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) Sale of goods and services**

**Rendering of services**

Criminal Law	2,798	1,836	2,798	1,836
Family Law	1,351	1,152	1,351	1,152
Civil Law	1,349	2,002	1,349	2,002
<b>Total</b>	<b>5,498</b>	<b>4,990</b>	<b>5,498</b>	<b>4,990</b>

**(b) Investment revenue**

Interest on outstanding accounts	85	93	85	93
Interest on cash assets	2,819	4,200	2,819	4,200
<b>Total</b>	<b>2,904</b>	<b>4,293</b>	<b>2,904</b>	<b>4,293</b>

Refer to Notes 1(g)(iii) & 20(b)

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

	Consolidated		Parent	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
<b>(c) Grants and contributions</b>				
Cluster Agency recurrent contribution	176,684	171,312	176,684	171,312
Cluster Agency capital contribution	3,600	3,600	3,600	3,600
Law Society Public Purpose Fund <sup>1</sup>	42,477	44,761	42,477	44,761
Commonwealth Government Community Partnerships base grants <sup>2</sup>	8,810	8,150	8,810	8,150
Other grants and contributions <sup>3</sup>	5,825	6,076	5,825	6,076
<b>Total</b>	<b>237,396</b>	<b>233,899</b>	<b>237,396</b>	<b>233,899</b>
<p><sup>1</sup>This fund provided a grant of \$40.11m (\$40.07m in 2011–2012) to provide legal aid services in State matters. Other specific grants from this fund include:</p> <ul style="list-style-type: none"> <li>• Environmental Defenders Office - 1,642</li> <li>• Public Interest Advocacy Centre - 1,219</li> <li>• Children's Court Assistance Scheme 253</li> <li>• Homeless Persons 560</li> <li>• Older Persons Legal Service 646</li> <li>• Aboriginal Legal Access Program 378</li> <li>• Financial Hardship/Mortgage Stress 533</li> </ul>				
<b>Total</b>	<b>2,370</b>	<b>4,689</b>	<b>2,370</b>	<b>4,689</b>
<p><sup>2</sup>\$7.61m in Community Partnerships base grants plus additional one-off Community Partnerships funding of \$1.18m, and a further \$0.02m SACS ERO funding, totalling \$8.81m (2011–2012:\$8.15m), 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>3</sup>Other Grants and contributions include:</p> <ul style="list-style-type: none"> <li>• Part of the Commonwealth Government Community Partnerships base grants used to meet administrative costs 110</li> <li>• State Department of Juvenile Justice for the Juvenile Justice Visiting Legal Service 189</li> <li>• State Attorney General's Department Youth Drug Court - 117</li> <li>• State Attorney General's Department - Video Conferencing Facilities 156</li> <li>• Commonwealth Government special funding for expensive criminal cases 4,104</li> <li>• State Attorney General's Department for Joined Up Justice Project - 485</li> <li>• Homelessness Action Plan 622</li> <li>• Other 644</li> </ul>				
<b>Total</b>	<b>5,825</b>	<b>6,076</b>	<b>5,825</b>	<b>6,076</b>
<b>(d) Other revenue</b>				
Superannuation—defined benefit income*	1,132	-	1,132	-
Miscellaneous	422	452	422	452
<b>Total</b>	<b>1,554</b>	<b>452</b>	<b>1,554</b>	<b>452</b>
* Refer to Notes 1(i)(iii)(b), 2(a) & 14				
<b>4. GAIN/(LOSS) ON DISPOSAL</b>				
Gain/(Loss) on disposal of plant and equipment				
Proceeds from disposal	80	130	80	130
Less: Written down value of assets disposed	15	22	15	22
<b>Total</b>	<b>65</b>	<b>108</b>	<b>65</b>	<b>108</b>
<b>5. OTHER GAINS/(LOSSES)</b>				
Impairment gain/(loss) on receivables	(926)	123	(926)	123
Gain/(loss) on make good provision	502	616	502	616
<b>Total</b>	<b>(424)</b>	<b>739</b>	<b>(424)</b>	<b>739</b>

## Notes to the Financial Statements for the year ended 30 June 2013

Consolidated		Parent	
2013	2012	2013	2012
\$'000	\$'000	\$'000	\$'000

**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	82,574	4,308	82,574	4,308
Short term deposits	-	75,000	-	75,000
<b>Total Cash</b>	<b>82,574</b>	<b>79,308</b>	<b>82,574</b>	<b>79,308</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.

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)	82,574	79,308	82,574	79,308
<b>Closing cash and cash equivalents (per Statement of Cash Flows)</b>	<b>82,574</b>	<b>79,308</b>	<b>82,574</b>	<b>79,308</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 \$0.032m (2011–2012: \$0.028m), 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	1,267	1,411	1,267	1,411
Less: Allowance for impairment	350	258	350	258
	917	1,153	917	1,153
Other debtors	210	367	210	367
GST recoverable from Australian Taxation Office	2,206	2,934	2,206	2,934
Prepayments	530	347	530	347
<b>Total Current</b>	<b>3,863</b>	<b>4,801</b>	<b>3,863</b>	<b>4,801</b>

**Non-Current**

Sale of goods and services	2,462	2,375	2,462	2,375
Less: Allowance for impairment	595	154	595	154
<b>Total Non-Current</b>	<b>1,867</b>	<b>2,221</b>	<b>1,867</b>	<b>2,221</b>

**Movement in the allowance for impairment**

Balance at 1 July	412	1,001	412	1,001
Amounts written off during the year	(408)	(465)	(408)	(465)
Amounts recovered during the year	(14)	(16)	(14)	(16)
Increase/(decrease) in allowance	955	(108)	955	(108)
<b>Balance at 30 June</b>	<b>945</b>	<b>412</b>	<b>945</b>	<b>412</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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

Consolidated		Parent	
2013	2012	2013	2012
\$'000	\$'000	\$'000	\$'000

Receivables from the sale of goods and services (both current and non-current) in the amount of \$2.42m (2011–2012: \$2.13m) are secured by way of caveat.

### 9. NON-CURRENT ASSETS - PLANT AND EQUIPMENT

#### At 1 July - fair value

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>

#### At 30 June - fair value

Gross Carrying Amount	28,586	26,861	28,586	26,861
Less: Accumulated depreciation and impairment	18,019	16,821	18,019	16,821
<b>Net Carrying Amount at Fair Value</b>	<b>10,567</b>	<b>10,040</b>	<b>10,567</b>	<b>10,040</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>10,040</b>	<b>9,587</b>	<b>10,040</b>	<b>9,587</b>
Additions	3,532	3,520	3,532	3,520
Disposals	(15)	(107)	(15)	(107)
Depreciation expense	(2,990)	(2,960)	(2,990)	(2,960)
<b>Net carrying amount at end of year</b>	<b>10,567</b>	<b>10,040</b>	<b>10,567</b>	<b>10,040</b>

Refer Notes 1(h) & 2(c).

### 10. INTANGIBLE ASSETS

#### At 1 July - fair value

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>

#### At 30 June - fair value

Cost (gross carrying amount)	12,410	11,255	12,410	11,255
Less: Accumulated amortisation and impairment	9,389	6,725	9,389	6,725
<b>Net Carrying Amount at Fair Value</b>	<b>3,021</b>	<b>4,530</b>	<b>3,021</b>	<b>4,530</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>4,530</b>	<b>5,185</b>	<b>4,530</b>	<b>5,185</b>
Additions (from internal development)	1,155	797	1,155	797
Additions (acquired separately)	-	665	-	665
Disposals	-	-	-	-
Amortisation (recognised in "depreciation and amortisation")	(2,664)	(2,117)	(2,664)	(2,117)
<b>Net carrying amount at end of year</b>	<b>3,021</b>	<b>4,530</b>	<b>3,021</b>	<b>4,530</b>

Refer Notes 1(h) & 2(c).

### 11. CURRENT LIABILITIES - PAYABLES

Accrued salaries, wages and on-costs	2,157	2,231	-	-
Office of the Legal Aid Commission - accrued salaries, wages and on-costs	-	-	2,157	2,231
Creditors - Legal	431	121	431	121
Creditors - Administrative	2,098	3,413	2,098	3,413
Accrual of estimated legal expenses <sup>1</sup>	9,954	15,880	9,954	15,880
<b>Total</b>	<b>14,640</b>	<b>21,645</b>	<b>14,640</b>	<b>21,645</b>

## Notes to the Financial Statements for the year ended 30 June 2013

<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).

**12. CURRENT/NON-CURRENT LIABILITIES - PROVISIONS****Current****Employee benefits and related on-costs**

	Consolidated		Parent	
	2013	2012	2013	2012
	\$'000	\$'000	\$'000	\$'000
Provision for recreation leave to be taken within 12 months	6,184	6,868	-	-
Provision for recreation leave to be taken after 12 months	1,381	946	-	-
Provision for long service leave to be taken within 12 months	2,021	1,993	-	-
Provision for long service leave to be taken after 12 months	12,868	12,265	-	-
Provision for related on-costs	3,993	3,605	-	-
Superannuation Liability (Refer Note 14)	26,803	40,689	-	-
Payable to the Office of the Legal Aid Commission - Superannuation	-	-	26,803	40,689
Office of the Legal Aid Commission - provision for personnel services	-	-	26,447	25,677

**Total Current**

<b>53,250</b>	<b>66,366</b>	<b>53,250</b>	<b>66,366</b>
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**Non-Current****Employee benefits and related on-costs**

Provision for long service leave	1,121	1,727	-	-
Provision for related on-costs	222	309	-	-
Office of the Legal Aid Commission - provision for personnel services	-	-	1,343	2,036

<b>1,343</b>	<b>2,036</b>	<b>1,343</b>	<b>2,036</b>
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**Other Provisions**

Restoration costs <sup>1</sup>	2,212	2,414	2,212	2,414
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<b>2,212</b>	<b>2,414</b>	<b>2,212</b>	<b>2,414</b>
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<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.

**Total Provisions**

<b>3,555</b>	<b>4,450</b>	<b>3,555</b>	<b>4,450</b>
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**Aggregate employee benefits and related on-costs**

Provisions—current	53,250	66,366	-	-
Provisions—non-current	1,343	2,036	-	-
Accrued salaries, wages and on-costs (Note 11)	2,157	2,231	-	-

<b>56,750</b>	<b>70,633</b>	<b>-</b>	<b>-</b>
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**Movements in provisions (other than employee benefits)****Restoration Provision****Carrying amount at start of financial year**

Additional provisions recognised	335	148	335	148
Amounts used	(60)	(18)	(60)	(18)
Unused amounts reversed	(502)	(699)	(502)	(699)
Unwinding/change in the discount rate	25	320	25	320

**Carrying amount at end of financial year**

<b>2,212</b>	<b>2,414</b>	<b>2,212</b>	<b>2,414</b>
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**13. NON-CURRENT LIABILITY - OTHER**

Lease incentive liability	274	54	274	54
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**Total Non-Current Liability—Other**

<b>274</b>	<b>54</b>	<b>274</b>	<b>54</b>
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# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

Consolidated		Parent	
2013	2012	2013	2012
\$'000	\$'000	\$'000	\$'000

### 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)
- State Superannuation Scheme (SSS).
- Police Superannuation Scheme (PSS).
- State Authorities Non-contributory Superannuation Scheme (SANCS)

These schemes are all defined benefit schemes - at least a component of the final benefit is derived from a multiple of member salary and years of membership. All the schemes are closed to new members.

The calculation of SSS, SASS and SANCS liabilities was performed by the Actuary, William Mercer Ltd and is based on the requirements of AASB 119.

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>	110,492	87,046	110,492	87,046
Current service cost	1,390	1,484	1,390	1,484
Interest cost	3,285	4,483	3,285	4,483
Contributions by Fund participants	757	861	757	861
Actuarial (gains)/losses	(4,534)	21,015	(4,534)	21,015
Benefits paid	(4,803)	(4,397)	(4,803)	(4,397)
<i>Present value of partly funded defined benefit obligations at end of the year</i>	<b>106,587</b>	<b>110,492</b>	<b>106,587</b>	<b>110,492</b>

#### Reconciliation of the fair value of Fund assets

<i>Fair value of Fund assets at beginning of the year</i>	69,802	71,804	69,802	71,804
Expected return on fund assets	5,807	6,062	5,807	6,062
Actuarial gains/(losses)	6,517	(6,181)	6,517	(6,181)
Employer contributions	1,703	1,653	1,703	1,653
Contributions by Fund participants	757	861	757	861
Benefits paid	(4,803)	(4,397)	(4,803)	(4,397)
<i>Fair value of Fund assets at end of the year</i>	<b>79,783</b>	<b>69,802</b>	<b>79,783</b>	<b>69,802</b>

#### Reconciliation of the assets and liabilities recognised in the Statement of Financial Position

Present value of partly funded defined benefit obligation at end of year	106,587	110,492	106,587	110,492
Fair value of Fund assets at end of year	(79,783)	(69,802)	(79,783)	(69,802)
<i>Subtotal</i>	<b>26,804</b>	<b>40,690</b>	<b>26,804</b>	<b>40,690</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>26,804</b>	<b>40,690</b>	<b>26,804</b>	<b>40,690</b>

## Notes to the Financial Statements for the year ended 30 June 2013

	Consolidated		Parent	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
<b>Expense recognised in the Statement of Comprehensive Income</b>				
<b>Components Recognised in the Statement of Comprehensive Income</b>				
Current service cost	1,390	1,484	1,390	1,484
Interest cost	3,285	4,483	3,285	4,483
Expected return on Fund assets (net of expenses)	(5,807)	(6,062)	(5,807)	(6,062)
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>(1,132)</b>	<b>(95)</b>	<b>(1,132)</b>	<b>(95)</b>
<b>Amounts recognised in Other Comprehensive Income</b>				
Actuarial (gains)/losses	(11,051)	27,196	(11,051)	27,196
Adjustment for limit on net asset	-	-	-	-
	<b>(11,051)</b>	<b>27,196</b>	<b>(11,051)</b>	<b>27,196</b>
<b>Superannuation Position for AASB 119 purposes</b>				
Accrued liability	106,587	110,492	106,587	110,492
Estimated reserve account balance	(79,783)	(69,802)	(79,783)	(69,802)
	<b>26,804</b>	<b>40,690</b>	<b>26,804</b>	<b>40,690</b>
Future Service Liability <sup>1</sup>	(7,231)	(8,587)	(7,231)	(8,587)
Surplus in excess of recovery available from schemes	-	-	-	-
<b>Net (asset)/liability to be recognised in the Statement of Financial Position</b>	<b>26,804</b>	<b>40,690</b>	<b>26,804</b>	<b>40,690</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.

	2013 \$'000	2012 \$'000	2011 \$'000	2010 \$'000	2009 \$'000
<b>Cumulative amount recognised in other comprehensive income</b>					
Actuarial (gains)/losses	(11,051)	27,196	(367)	4,891	20,259
Movement in adjustment for limitation on net asset	-	-	-	-	-
	<b>(11,051)</b>	<b>27,196</b>	<b>(367)</b>	<b>4,891</b>	<b>20,259</b>
<b>Cumulative (gains)/losses recognised</b>	<b>34,319</b>	<b>45,370</b>	<b>18,174</b>	<b>18,541</b>	<b>13,650</b>

The superannuation gain recognised in the Statement of Comprehensive Income is included in the line item 'other revenue'. Superannuation actuarial gains of \$11.05m (2011–2012: actuarial losses of \$27.20m) 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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

<b>Fund assets</b>	<b>2013</b>	<b>2012</b>
The percentage invested in each asset class at the balance sheet dates:		
Australian equities	30.4%	28.0%
Overseas equities	26.1%	23.7%
Australian fixed interest securities	6.9%	4.9%
Overseas fixed interest securities	2.2%	2.4%
Property	8.3%	8.6%
Cash	13.1%	19.5%
Other	13.0%	12.9%

### 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.

	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Actual return on Fund assets</b>	11,656	71

### 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.

	<b>2013</b>	<b>2012</b>
(ii) Economic Assumptions		
Salary increase rate (excluding promotional increases)	2.25%	2.50%
Rate of CPI increase	2.50%	2.50%
Expected rate of return on assets	8.60%	8.60%
Discount rate	3.80%	3.06%

#### (iii) Demographic Assumptions

The demographic assumptions at 30 June 2013 are those that were used in the 2012 triennial actuarial valuation. The triennial review report is available from the NSW Treasury website.

<b>Historical information</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Present value of defined benefit obligation	106,587	110,492	87,046	83,774	74,669
Fair value of Fund assets	(79,783)	(69,802)	(71,804)	(66,479)	(60,910)
(Surplus)/Deficit in Fund	<u>26,804</u>	<u>40,690</u>	<u>15,242</u>	<u>17,295</u>	<u>13,759</u>
Experience adjustments - Fund liabilities	(4,534)	21,015	(46)	5,634	5,545
Experience adjustments - Fund assets	(6,517)	6,181	(321)	(743)	11,714

	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Expected contributions</b>		
Expected employer contributions to be paid in the next reporting period	1,570	1,762



Notes to the Financial Statements for the year ended 30 June 2013

	SASS Multiple of member contributions	SANCS % member salary	SSS Multiple of member contributions
<b>Arrangements for Employer Contributions:</b>			
<b>(a) Contribution recommendations</b>			
Recommended contribution rates for the year ending:			
30 June 2013	1.90	2.50	1.60
30 June 2012	1.90	2.50	1.60
<b>Members Numbers 2013</b>			
Contributors	70	96	26
Deferred benefits	-	-	5
Pensioners	-	-	50
Pensions fully commuted	-	-	13
<b>Members Numbers 2012</b>			
Contributors	75	104	29
Deferred benefits	-	-	7
Pensioners	-	-	44
Pensions fully commuted	-	-	13

**(b) Economic assumptions**

The economic assumptions adopted for the 2012 actuarial review of the Fund were:

**Weighted - Average Assumptions**

**2013**

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	2.70%
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) & 3(d)

Consolidated		Parent	
2013	2012	2013	2012
\$'000	\$'000	\$'000	\$'000

**15. COMMITMENTS FOR EXPENDITURE**

**(a) Capital Commitments**

Aggregate capital expenditure contracted for at balance date and not provided for:

Not later than one year	26	521	26	521
<b>Total (including GST)</b>	<b>26</b>	<b>521</b>	<b>26</b>	<b>521</b>

**(b) Operating Lease Commitments**

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

Not later than one year	8,284	9,209	8,284	9,209
Later than one year and not later than 5 years	23,087	33,598	23,087	33,598
Later than 5 years	-	1,744	-	1,744
<b>Total (including GST)</b>	<b>31,371</b>	<b>44,551</b>	<b>31,371</b>	<b>44,551</b>

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# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

The operating lease commitments above relate to the rental of office accommodation and motor vehicles. Lease periods range from 1–5 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 \$2.85m (2011–2012: \$4.10m) 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 \$6,400 (2011–2012: \$3,000).

### 17. BUDGET REVIEW

#### Net Result

The Net Result is \$11.6m more than budget.

This variance is made up of the following significant items:

- Legal Creditors actuarial adjustment (refinement of calculation methodology) - \$6m
- Superannuation actuarial adjustment - \$3m
- Increase in Contributions (final contributions/award costs) - \$2m

#### Assets and Liabilities

Current assets are \$5.8m higher than budget primarily due to a higher than budgeted cash balance (\$7.3m), partially offset by a lower Current Receivables balance (\$1.5m).

Non-current assets are lower than budget by \$1.3m primarily due to a decrease in Intangible Assets (\$1.0m) and Receivables (\$0.2m).

Current Liabilities are \$8.9m higher than budget, primarily as a result of a net increase in Provisions mainly relating to the Superannuation Liability (\$13.9m) which was partially offset by the reduction in Legal Creditors (\$5.9m).

Non-Current Liabilities are \$0.5m lower than budget. This is the net result of an increase in Provisions of \$1.8m offset by a decrease in Other Non-Current Liabilities of \$2.4m.

#### Cash Flows

Net Cash Flows from Operating Activities were \$3.7m higher than budget.

This was primarily due to Total Payments being lower than budget by \$0.4m and Total Receipts being higher than budget by \$4.1m. This is primarily made up of additional funds from the Commonwealth for CLCs (\$1.2m) and Expensive Commonwealth Criminal Cases (\$1.6m) and Client Contributions (\$1.8m), this is partially offset by Interest being lower than budget (\$1.4m). The budget for Other contains the expected revenue from the Public Purpose Fund and GST refund revenue, however the actual amounts for these are contained in Grants and Contributions.

Net Cash Flows from Investing Activities were below budget (\$0.1m).

Notes to the Financial Statements for the year ended 30 June 2013

	Consolidated		Parent	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'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	7,537	8,406	7,537	8,406
Depreciation and amortisation	(5,654)	(5,077)	(5,654)	(5,077)
Decrease/(increase) in provisions	14,011	(28,415)	14,011	(28,415)
Decrease/(increase) in other liabilities	(220)	(34)	(220)	(34)
Decrease/(increase) in creditors	7,005	(1,995)	7,005	(1,995)
Actuarial (gains)/losses on superannuation	(11,051)	27,196	-	-
Increase/(decrease) in prepayments and other assets	(1,292)	(454)	(1,292)	(454)
Net Gain/(Loss) on disposal of plant and equipment	65	108	65	108
Net Gain/(Loss) on other	336	64	336	64
<b>Net Result</b>	<b>10,737</b>	<b>(201)</b>	<b>21,788</b>	<b>(27,397)</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>**

	2013 \$'000	2012 \$'000
Cash balance at the beginning of the financial year	885	1,090
Add: Receipts	3,565	2,480
Less: Expenditure	2,694	2,685
<b>Cash balance at the end of the financial year</b>	<b>1,756</b>	<b>885</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 the 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.

# Financial statements

Notes to the Financial Statements for the year ended 30 June 2013	Note	Category	Carrying Amount 2013 \$'000	Carrying Amount 2012 \$'000
<b>(a) Financial Instrument Categories</b>				
<b>Financial Assets</b>				
<b>Class:</b>				
Cash & Cash equivalents	7	n/a	82,574	79,308
Receivables <sup>1</sup>	8	Receivables (at amortised cost)	2,994	3,741
<b>Financial Liabilities</b>				
<b>Class:</b>				
Payables <sup>2</sup>	11	Financial Liabilities measured at amortised cost	13,555	19,890

<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 counter-parties 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 and the general operating bank account. Interest is earned on the daily balances of the bank accounts. Refer Note 7. The average rate of interest earned on bank accounts was 3.25% (2011–2012: 4.34%).

## 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:

## Notes to the Financial Statements for the year ended 30 June 2013

- Overdue debt (Section 71A of *Legal Aid Commission Act*)  
01/07/2012 - 31/12/2012 - 4.75%  
01/01/2013 - 30/06/2013 - 4.50%
- Local Court judgements (Section 101 of *Civil Procedure Act 2005*)  
01/07/2012 - 31/12/2012 - 9.50%  
01/01/2013 - 30/06/2013 - 9.00%
- Family Court judgements (Section 117B of *Family Law Act*)  
01/07/2012 - 31/12/2012 - 9.50%  
01/01/2013 - 30/06/2013 - 9.00%

Based on past experience, debtors that are not past due (2013: \$0.36m 2012: \$0.32m; ) and not less than 1 month past due (2013: \$0.41m 2012: \$0.65m) are not considered impaired and together these represent 21.49% of the total debtors (2012: 24.79%).

The only financial assets that are past due or impaired are "Sales of Goods and Services" in the "Receivables" category of the Statement of Financial Position.

	Total \$'000	Past due but not impaired 1,2 \$'000	Considered impaired 1,2 \$'000
<b>2013</b>			
<3 months overdue	406	142	264
3 months - 6 months overdue	178	76	102
>6 months overdue	1968	191	1,777
<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

<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

During the financial year Legal Aid NSW had 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. In June 2013 all deposit funds with TCorp were transferred to Legal Aid NSW General Bank account. Therefore there were no deposits at balance date.

Over the year the weighted average interest rate on deposits was 3.22% (2011-2012: 4.44%) on a weighted average balance during the year of \$84.06m (2011-2012: \$88.02m).

### (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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

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.

	Consolidated		Parent	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
<b>Maturity analysis and interest rate exposure of financial liabilities:</b>				
Payables:				
Weighted Average Effective Interest Rate	-	-	-	-
Nominal Amount <sup>1</sup>	13,555	19,890	13,555	19,890
Fixed Interest Rate	-	-	-	-
Variable Interest Rate	-	-	-	-
Non-interest bearing	-	-	-	-
Maturity Dates <1 year	13,555	19,890	13,555	19,890
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 2013. 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.

## Notes to the Financial Statements for the year ended 30 June 2013

	\$'000 Carrying Amount	-1 % Profit	Equity	1 % Profit	Equity
<b>2013</b>					
<i>Financial assets</i>					
Cash & cash equivalents	82,574	(826)	(826)	826	826
Receivables	2,994	(30)	(30)	30	30
<i>Financial liabilities</i>					
Payables	13,555	(136)	(136)	136	136
<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

**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**

# Financial Statements

## Office of the Legal Aid Commission of NSW

The Office of the Legal Aid Commission provides personnel services to the Legal Aid Commission (statutory corporation).

### CONTENTS

<b>Statement by Chief Executive Officer</b>	<b>95</b>
<b>Independent Auditor's Report</b>	<b>96</b>
<b>Statement of Comprehensive Income</b>	<b>98</b>
<b>Statement of Financial Position</b>	<b>99</b>
<b>Statement of Changes in Equity</b>	<b>100</b>
<b>Statement of Cash Flows</b>	<b>101</b>
<b>Notes to the financial statements for the year ended 30 June 2013</b>	
1. (a)–(i) Summary of significant accounting policies	102
2. Expenses	104
3. Revenue	104
4. Programs/activities of the office	104
5. Current/non-current assets - receivables	104
6. Current liabilities - payables	105
7. Current/non current liabilities - provisions	105
8. Superannuation fund information	105
9. Reconciliation of cash flows from operating activities to the net result	110
10. Contingent liabilities and contingent assets	110
11. Commitments for expenditure	110
12. Financial instruments	110
13. After balance date events	112
<b>Other information</b>	<b>113</b>
1. Payment performance	113
2. Annual reporting legislation requirements	113



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## Statement by Chief Executive Officer

### OFFICE OF THE LEGAL AID COMMISSION

#### Statement by the Chief Executive Officer

Pursuant to Section 41C(1B) of the *Public Finance and Audit Act 1983*, we declare on behalf of the Office of the Legal Aid Commission that in our opinion:

1. The statements have been prepared in accordance with the provisions of the *Public Finance and Audit Act 1983* 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 2013 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



Ray Jennings  
A/Executive Director Finance

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# Financial statements

## 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 2013, 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 2013, 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 Chief Executive Officer's Responsibility for the Financial Statements

The Chief Executive Officer is 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 Chief Executive Officer determines is necessary to enable the preparation of financial statements that give a true and fair view and 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 Chief Executive Officer, as well as evaluating the overall presentation of the financial statements.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

My opinion does *not* provide assurance:

- about the future viability of the 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

23 September 2013  
SYDNEY

# Financial statements

START OF AUDITED FINANCIAL STATEMENTS

## Statement of Comprehensive Income for the year ended 30 June 2013

	Notes	Actual 2013 \$'000	Actual 2012 \$'000
<b>Revenue</b>			
Personnel services	3	79,179	118,277
<b>Total Revenue</b>		<u>79,179</u>	<u>118,277</u>
Less:			
<b>Expenses</b>			
Employee related	2	90,104	91,081
Other operating expenses		126	-
<b>Total Expenses</b>		<u>90,230</u>	<u>91,081</u>
<b>NET RESULT</b>		<u>(11,051)</u>	<u>27,196</u>
<b>Other Comprehensive Income</b>			
Superannuation actuarial gains/(losses)	8	11,051	(27,196)
<b>Other Comprehensive Income</b>		<u>11,051</u>	<u>(27,196)</u>
<b>TOTAL COMPREHENSIVE INCOME</b>		<u>-</u>	<u>-</u>

The accompanying notes form part of these financial statements

## Statement of Financial Position as at 30 June 2013

	Notes	Actual 2013 \$'000	Actual 2012 \$'000
<b>ASSETS</b>			
<b>Current Assets</b>			
Receivables	5	55,407	68,597
<b>Total Current Assets</b>		<u>55,407</u>	<u>68,597</u>
<b>Non-Current Assets</b>			
Receivables	5	1,343	2,036
<b>Total Non-Current Assets</b>		<u>1,343</u>	<u>2,036</u>
<b>Total Assets</b>		<u>56,750</u>	<u>70,633</u>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	6	2,157	2,231
Provisions	7	53,250	66,366
<b>Total Current Liabilities</b>		<u>55,407</u>	<u>68,597</u>
<b>Non-Current Liabilities</b>			
Provisions	7	1,343	2,036
<b>Total Non-Current Liabilities</b>		<u>1,343</u>	<u>2,036</u>
<b>Total Liabilities</b>		<u>56,750</u>	<u>70,633</u>
<b>Net Assets</b>		<u>-</u>	<u>-</u>
<b>EQUITY</b>			
Accumulated Funds		-	-
<b>Total Equity</b>		<u>-</u>	<u>-</u>

The accompanying notes form part of these financial statements

# Financial statements

## Statement of Changes in Equity for the year ended 30 June 2013

	Notes	Accumulated Funds \$'000	Asset Revaluation Surplus \$'000	Other Reserves \$'000	Total \$'000
<b>Balance at 1 July 2012</b>		-	-	-	-
Changes in accounting policy		-	-	-	-
Correction of errors		-	-	-	-
<b>Restated total equity at 1 July 2012</b>		-	-	-	-
<b>Net Result</b>		(11,051)	-	-	(11,051)
<b>Other comprehensive income:</b>					
Net increase/(decrease) in plant and equipment		-	-	-	-
Changes in restoration liability		-	-	-	-
Superannuation actuarial gains/(losses)	8	11,051	-	-	11,051
<b>Total other comprehensive income</b>		11,051	-	-	11,051
<b>Total comprehensive income</b>		-	-	-	-
<b>Balance at 30 June 2013</b>		-	-	-	-
<b>Balance at 1 July 2011</b>					
Changes in accounting policy		-	-	-	-
Correction of errors		-	-	-	-
<b>Restated total equity at 1 July 2011</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 (losses)/gains	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>		-	-	-	-

The accompanying notes form part of these financial statements

## Statement of Cash Flows for the year ended 30 June 2013

	Notes	Actual 2013 \$'000	Actual 2012 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee related		(93,263)	(89,616)
<b>Total Payments</b>		<u>(93,263)</u>	<u>(89,616)</u>
<b>Receipts</b>			
Legal Aid Commission - personnel services		93,263	89,616
<b>Total Receipts</b>		<u>93,263</u>	<u>89,616</u>
<b>NET CASH FLOWS FROM OPERATING ACTIVITIES</b>	9	<u>-</u>	<u>-</u>
<b>NET INCREASE IN CASH</b>		-	-
Opening cash and cash equivalents		-	-
<b>CLOSING CASH AND CASH EQUIVALENTS</b>		<u>-</u>	<u>-</u>

The accompanying notes form part of these financial statements

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# Financial statements

## Notes to the Financial Statements for the Year Ended 30 June 2013

### 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 20 September 2013.

#### (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.



**Notes to the Financial Statements for the year ended 30 June 2013**

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*. An actuarial firm were engaged to undertake a calculation of the Office's long service leave provision for 2012-2013. The long service payments are discounted at 3.53% (3.00% in 2011-2012).

The Office'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 2013 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 2010-10 regarding removal of fixed dates for first time adopters
- AASB 2011-2 regarding Trans Tasman Convergence—RDR
- AASB 2011-4 removing individual KMP disclosure requirements
- AASB 2011-6 regarding RDR and relief from consolidation
- AASB 2011-7 regarding consolidation and joint arrangements
- AASB 201-12 regarding Interpretation 20
- AASB 2012-1 regarding fair value measurement—RDR requirements
- AASB 2012-2 regarding disclosures—offsetting financial assets and financial liabilities
- AASB 2012-3 regarding offsetting financial assets and financial liabilities
- AASB 2012-4 regarding government loans—first time adoption
- AASB 2012-5 regarding annual improvements 2009-2-11 cycle
- AASB 2012-7 regarding RDR
- AASB 2012-9 regarding withdrawal of Interpretation 1039
- AASB 2012-10 regarding transition guidance and other amendments
- AASB 2012-11 regarding RDR requirements and other amendments

It is considered that the impact of these new Standards and Interpretations in future periods will have no material impact on the financial statements of the Office.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

2013  
\$'000

2012  
\$'000

### 2. EXPENSES

#### a) Employee related expenses

Salaries and wages (including recreation leave)	77,528	76,163
Superannuation - defined benefit plans*	(1,132)	(95)
Superannuation - defined contribution plans	5,920	5,758
Long service leave	1,960	3,731
Workers' compensation insurance	1,011	691
Payroll tax and fringe benefits tax	4,818	4,833
<b>Total</b>	<b>90,104</b>	<b>91,081</b>

The Office does not employ staff that are directly involved in day-to-day servicing or maintenance.

Audit fees of \$2,000 (2011–2012: \$2,000) are paid on the Office's behalf by the Parent entity, the Legal Aid Commission of NSW.

\*Refer Note 8. Superannuation actuarial gains of \$11.05m (2011–2012: actuarial losses of \$27.20m) are recognised in the 'Statement of Changes in Equity'. Total superannuation gain, including actuarial gains recognised in the 'Statement of Comprehensive Income' is \$6.26m (2011–2012: \$32.86m loss).

#### (b) Other operating expenses

	126	-
Other	<b>126</b>	<b>-</b>

### 3. REVENUE

#### Rendering of services

Personnel services revenue	79,179	118,277
<b>Total</b>	<b>79,179</b>	<b>118,277</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 of NSW- accrued salaries, wages and on-costs <sup>1</sup>	2,157	2,231
Legal Aid Commission of NSW- provision for employee benefits <sup>1</sup>	26,447	25,677
Receivable from the Legal Aid Commission of NSW - Superannuation liability	26,803	40,689
<b>Total Current</b>	<b>55,407</b>	<b>68,597</b>

#### Non-Current

Legal Aid Commission of NSW - provision for employee benefits <sup>1</sup>	1,343	2,036
<b>Total Non-Current</b>	<b>1,343</b>	<b>2,036</b>

## Notes to the Financial Statements for the year ended 30 June 2013

	2013 \$'000	2012 \$'000
<p><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.</p>		
<b>6. CURRENT LIABILITIES - PAYABLES</b>		
<b>Current</b>		
Accrued salaries, wages and on-costs	2,157	2,231
<b>Total Current</b>	<b>2,157</b>	<b>2,231</b>
<b>7. 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	6,184	6,868
Provision for recreation leave to be taken after 12 months	1,381	946
Provision for long service leave to be taken within 12 months	2,021	1,993
Provision for long service leave to be taken after 12 months	12,868	12,265
Provision for related on-costs	3,993	3,605
Superannuation Liability (Refer Note 8)	26,803	40,689
<b>Total Current</b>	<b>53,250</b>	<b>66,366</b>
<b>Non-Current</b>		
<b>Employee benefits and related on-costs</b>		
Provision for long service leave	1,121	1,727
Provision for related on-costs	222	309
<b>Total Non-Current</b>	<b>1,343</b>	<b>2,036</b>
<b>Aggregate employee benefits and related on-costs</b>		
Provisions - current	53,250	66,366
Provisions - non-current	1,343	2,036
Accrued salaries, wages and on-costs (Note 6)	2,157	2,231
	<b>56,750</b>	<b>70,633</b>

**8. SUPERANNUATION FUND INFORMATION**

The Pooled Fund holds in trust the investments of the closed NSW public sector superannuation schemes:

- State Authorities Superannuation Scheme (SASS)
- State Superannuation Scheme (SSS).
- Police Superannuation Scheme (PSS).
- State Authorities Non-contributory Superannuation Scheme (SANCS)

These schemes are all defined benefit scheme—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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

	2013 \$'000	2012 \$'000
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>	110,492	87,046
Current service cost	1,390	1,484
Interest cost	3,285	4,483
Contributions by Fund participants	757	861
Actuarial (gains)/losses	(4,534)	21,015
Benefits paid	(4,803)	(4,397)
<i>Present value of partly funded defined benefit obligations at end of the year</i>	<u>106,587</u>	<u>110,492</u>
<b>Reconciliation of the fair value of Fund assets</b>		
<i>Fair value of Fund assets at beginning of the year</i>	69,802	71,804
Expected return on fund assets	5,807	6,062
Actuarial gains/(losses)	6,517	(6,181)
Employer contributions	1,703	1,653
Contributions by Fund participants	757	861
Benefits paid	(4,803)	(4,397)
<i>Fair value of Fund assets at end of the year</i>	<u>79,783</u>	<u>69,802</u>
<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	106,587	110,492
Fair value of Fund assets at end of year	<u>(79,783)</u>	<u>(69,802)</u>
<i>Subtotal</i>	<b>26,804</b>	<b>40,690</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>	<u>26,804</u>	<u>40,690</u>
<b>Expense recognised in the Statement of Comprehensive Income</b>		
<b>Components Recognised in the Statement of Comprehensive Income</b>		
Current service cost	1,390	1,484
Interest cost	3,285	4,483
Expected return on Fund assets (net of expenses)	(5,807)	(6,062)
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>	<u>(1,132)</u>	<u>(95)</u>

## Notes to the Financial Statements for the year ended 30 June 2013

	2013 \$'000	2012 \$'000
<b>Amounts recognised in Other Comprehensive Income</b>		
Actuarial (gains)/ losses	(11,051)	27,196
Adjustment for limit on net asset	-	-
	<u>(11,051)</u>	<u>27,196</u>
<b>Superannuation Position for AASB 119 purposes</b>		
Accrued liability	106,587	110,492
Estimated reserve account balance	(79,783)	(69,802)
	<u>26,804</u>	<u>40,690</u>
Future Service Liability <sup>1</sup>	<u>(7,231)</u>	<u>(8,587)</u>
Surplus in excess of recovery available from schemes	-	-
<b>Net (asset)/liability to be recognised in the Statement of Financial Position</b>	<u>26,804</u>	<u>40,690</u>

<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.

	2013 \$'000	2012 \$'000	2011 \$'000	2010 \$'000	2009 \$'000
<b>Cumulative amount recognised in other comprehensive income</b>					
Actuarial (gains)/losses	(11,051)	27,196	(367)	4,891	20,259
Movement in adjustment for limitation on net asset	-	-	-	-	-
	<u>(11,051)</u>	<u>27,196</u>	<u>(367)</u>	<u>4,891</u>	<u>20,259</u>
<b>Cumulative (gains)/losses recognised</b>	<u>34,319</u>	<u>45,370</u>	<u>18,174</u>	<u>18,541</u>	<u>13,650</u>

The superannuation gain recognised in the Statement of Comprehensive Income is included in the line item 'employee related expenses'. Superannuation actuarial gain of \$11.05m (2011–2012: actuarial losses of \$27.20m) 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.

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Fund assets</b>		
The percentage invested in each asset class at the balance sheet dates:		
Australian equities	30.4%	28.0%
Overseas equities	26.1%	23.7%
Australian fixed interest securities	6.9%	4.9%
Overseas fixed interest securities	2.2%	2.4%
Property	8.3%	8.6%
Cash	13.1%	19.5%
Other	13.0%	12.9%

### 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.

	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Actual return on Fund assets</b>	11,656	71

### 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.

	<b>2013</b>	<b>2012</b>
(ii) Economic Assumptions		
Salary increase rate (excluding promotional increases)	2.25%	2.50%
Rate of CPI increase	2.50%	2.50%
Expected rate of return on assets	8.60%	8.60%
Discount rate	3.06%	3.06%

#### (iii) Demographic Assumptions

The demographic assumptions at 30 June 2013 are those that were used in the 2012 triennial actuarial valuation. The triennial review report is available from the NSW Treasury website.

## Notes to the Financial Statements for the year ended 30 June 2013

	2013 \$'000	2012 \$'000	2011 \$'000	2010 \$'000	2009 \$'000
<b>Historical information</b>					
Present value of defined benefit obligation	106,587	110,492	87,046	83,774	74,669
Fair value of Fund assets	(79,783)	(69,802)	(71,804)	(66,479)	(60,910)
(Surplus)/Deficit in Fund	<u>26,804</u>	<u>40,690</u>	<u>15,242</u>	<u>17,295</u>	<u>13,759</u>
Experience adjustments - Fund liabilities	(4,534)	21,015	(46)	5,634	5,545
Experience adjustments - Fund assets	(6,517)	6,181	(321)	(743)	11,714

<b>Expected contributions</b>	2013 \$'000	2012 \$'000
Expected employer contributions to be paid in the next reporting period	1,570	1,762

**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 2013	1.90	2.50	1.60
30 June 2012	1.90	2.50	1.60

**Members Numbers 2013**

Contributors	70	96	26
Deferred benefits	-	-	5
Pensioners	-	-	50
Pensions fully commuted	-	-	13

**Members Numbers 2012**

Contributors	75	104	29
Deferred benefits	-	-	7
Pensioners	-	-	44
Pensions fully commuted	-	-	13

**(b) Economic assumptions**

The economic assumptions adopted for the 2012 actuarial review of the Fund were:

<b>Weighted - Average Assumptions</b>	2013
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	2.70%
Expected rate of CPI increase	2.50%

# Financial statements

## Notes to the Financial Statements for the year ended 30 June 2013

### 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:

	2013 \$'000	2012 \$'000
Net cash from operating activities		
Increase/(decrease) in provisions	13,809	28,664
Increase/(decrease) in creditors	74	407
Decrease/(increase) in prepayments and other assets	(13,883)	(29,071)
<b>Net Result</b>	<u>-</u>	<u>-</u>

### 10. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Office has no contingent liabilities or assets at 30 June 2013 (2011–2012: nil).

### 11. COMMITMENTS FOR EXPENDITURE

The Office did not have any expenditure commitments in 2012-13 (2011–2012: 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.

(a) Financial Instrument Categories	Note	Category	Carrying Amount 2013 \$'000	Carrying Amount 2012 \$'000
<b>Financial Assets</b>				
<b>Class:</b>				
Receivables <sup>1</sup>	5	Receivables (at amortised cost)	2,157	2,231
<b>Financial Liabilities</b>				
<b>Class:</b>				
Payables <sup>2</sup>	6	Financial Liabilities measured at amortised cost	2,157	2,231

<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)



## Notes to the Financial Statements for the year ended 30 June 2013

**(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.

<b>Maturity analysis and interest rate exposure of financial liabilities:</b>	<b>2013 \$'000</b>	<b>2012 \$'000</b>
Payables:		
Weighted Average Effective Interest Rate	-	-
Nominal Amount <sup>1</sup>	2,157	2,231
Fixed Interest Rate	-	-
Variable Interest Rate	-	-
Non-interest bearing	-	-
Maturity Dates <1 year	2,157	2,231
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 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.

# Financial statements

Office of the Legal Aid Commission of NSW

Notes to the Financial Statements for the year ended 30 June 2013

	Carrying Amount	-1% Profit	\$'000 Equity	1% Profit	Equity
<b>2013</b>					
<i>Financial assets</i>					
Receivables	2,157	(22)	(22)	22	22
<i>Financial liabilities</i>					
Payables	2,157	(22)	(22)	22	22
<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

### 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 2013

#### (a) Payment to Creditors

Legal Aid NSW processed 98.97% of invoices received within 30 days during 2012–2013 compared to 98.73% in 2011–2012

Period	2012–2013		2011–2012	
	Invoices	%	Invoices	%
Within 30 days	132,870	98.97	128,283	98.73
Over 30 days	1,384	1.03	1,654	1.27
<b>Total</b>	<b>134,254</b>	<b>100.00</b>	<b>129,937</b>	<b>100.00</b>

Accounts paid within 30 days by quarter as follows:

Quarter	Target%	Achieved%	Amount paid within 30 days \$000	Total Amount Paid \$000
September	100.00	99.36	47,281	47,512
December	100.00	99.09	37,314	37,643
March	100.00	98.56	36,416	37,862
June	100.00	98.79	41,684	43,014

#### (b) Ageing of Creditors

Aged Creditors analysis at end of each quarter is as follows:

Quarter	Current	<30 days	31–60 days	61–90 days	>90 days
September	439	367	0	0	0
December	115	24	0	0	0
March	858	111	1	0	0
June	423	8	0	0	0

### 2. Annual reporting legislation requirements

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.

#### Overseas Visits

There were no overseas visits made by staff during the year.

Consultants	\$'000	Number of Assignments
<b>Engagements equal to or more than \$50,000</b>		<b>2</b>
Management Services	138	2
<b>Engagements less than \$50,000</b>		<b>4</b>
Management Services	40	1
Organisational Review	26	3
<b>Total Consultants</b>	<b>204</b>	<b>6</b>

Refer to Note 2(b) in the Financial Report.

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## **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 2012–2013 deposit premium for worker's compensation insurance increased by 43.8% to \$977,063 (2011–2012 \$679,230) whilst the deposit premium for motor vehicles increased by 3% to \$46,970 (\$45,610 in 2011–2012).

### **Motor Vehicle Claims**

The number of motor vehicle claims in 2012–2013 was 27 (9 in 2011–2012) which incurred a net cost of \$43,753 (\$31,466 in 2011–2012). The average number of vehicles in the Legal Aid NSW fleet in 2012–2013 was 52 (52 in 2011–2012) which results in an average claim cost per vehicle of \$841 compared to \$605 in 2011–2012.

### **Worker's Compensation**

The number of accepted claims (including claims accepted under provisional liability), decreased from 47 in 2011–2012 reporting period to 10 in 2012–2013 (78.7%). The cost incurred to 30 June 2013 of new claims reported in 2012–2013 was \$133,656 compared to \$357,096 in 2011–2012, a decrease of \$223,440 or 62.6%.

The accepted claims in this reporting period include 3 fall/slip and 3 body stress (e.g. Repetitive Strain Injury) claims amounting to \$18,137 in 2012–2013 or 13.6 % of the total cost of claims.

There was a decrease in psychological injuries (Post Traumatic Stress Disorder, Anxiety Disorders and Depression) from 16 in the 2011–2012 reporting period to 5 in the current reporting period which incurred \$90,905 or 68% of the total cost of claims for 2012–2013.

The number of full time equivalent (FTE) (on average) staff for this financial year is 871.25, a decrease of 11.47 from 882.7 in 2011–2012. This equates to an average claim cost of \$153.41 per staff member compared to \$404.54 per staff member in 2011–2012.

### **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 2012–2013 Legal Aid NSW invested funds in the NSW Treasury Corporation's 11 am Call Account as well their Fixed Term Deposit facility. The average yield for the 11 am Call account was 3.19% (4.30% in 2011–2012).

The average yield from Fixed Term deposits was 3.09% (4.57% in 2011–2012). Legal Aid NSW provides for its daily expenditure needs via an on-call bank account. Legal Aid NSW's current banker is the Westpac Banking Corporation, (WBC).

The average yield obtained from this account was 3.25% (4.34% in 2011–2012). Interest on cash assets of \$2.8m was derived from the investment of Legal Aid NSW funds during 2012–2013 compared to \$4.2m in 2011–2012. The variation was due to decreased interest rates.

## List of appendices

## CONTENTS

<b>1</b>	<b>CEO's performance statement and committee membership</b>	<b>116</b>
<b>2</b>	<b>Human resources information</b>	<b>117</b>
<b>3</b>	<b>EEO groups</b>	<b>118</b>
<b>4</b>	<b>Learning and development</b>	<b>119</b>
<b>5</b>	<b>Women's Domestic Violence Court Advocacy Program funding</b>	<b>120</b>
<b>6</b>	<b>Community Legal Centres Program</b>	<b>121</b>
<b>7</b>	<b>Legal practice operational statistics</b>	<b>122</b>
<b>8</b>	<b>Law reform submissions</b>	<b>126</b>
<b>9</b>	<b>Right to information–<i>Government Information (Public Access) Act 2009</i></b>	<b>127</b>
<b>10</b>	<b><i>Multicultural Action Plan and Disability Action Plan</i></b>	<b>129</b>
<b>11</b>	<b>Expenditure across public law firms that received the 20 highest aggregate payments for legal aid services</b>	<b>131</b>

## Appendix 1 CEO's performance statement and committee membership

*The NSW Attorney has indicated his satisfaction with the CEO's performance. Despite a difficult funding environment, Bill Grant ensured that Legal Aid NSW continues to be an innovative, creative and forward thinking organisation, with a strong focus on service delivery for our clients.*

Bill Grant's key achievements in 2012–2013 included:

- Ensuring effective financial management, consistent with government requirements that achieved budget savings and early resolution of major issues and concerns.
- Responding strategically to increasing demands in the criminal justice system, including completing reviews of indictable matters in crime and criminal law assignment practices.
- Influencing reforms of the national public legal assistance sector through the review of the National Partnership Agreement on Legal Assistance Services and by representing Legal Aid Commissions on the Advisory Committee for the review.
- Playing a strong role in building collaborative working relationships with heads of jurisdictions, private lawyers and leaders across the justice sector.
- Active Legal Aid NSW participation in the Justice Cluster, particularly in relation to corporate service initiatives in information technology, human resources and finance.
- Growing early intervention services and total services in line with the targets set out in clause 20 of the National Partnership Agreement which need to be met by June 2014.
- Increasing our advice and minor assistance services by 15.6%.
- Completing a review of sentences for 1,000 prisoners impacted by the decision in *Muldrock v The Queen* and preparing to file sentence appeals in around 70 matters.
- Expanding civil and family law services to Aboriginal people through outreach services.
- Establishing a statewide Work and Development Order Service, with \$7.5 million in fines debt cleared.
- Introducing a major new Business Intelligence system, which greatly improves the capacity of Legal Aid NSW to monitor and analyse its service volumes and characteristics.
- Developing an effective system for allocating back-up duty work for metropolitan Local Courts.
- Delivering new services to culturally and linguistically diverse communities in partnership with Settlement Services International.
- Delivering specialised training in Aboriginal cultural competency to private lawyers.
- Supporting staff with enhanced professional development and health and wellbeing initiatives, including comprehensive domestic violence awareness training.

### CEO's membership on key committees

#### External boards and committees

- Increase in District Court Workload Working Group
- Justice Transport Efficiency Committee
- Justice Cluster Leadership Group
- LawAccess NSW Board
- Law Week 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
- Audit and Risk Committee
- Domestic and Family Violence Committee (Chair)
- Equity and Diversity Committee (Chair)
- Information and Communications Technology (ICT) Steering Committee (Chair)
- Peak Consultative Committee

## Appendix 2 Human resources information

Central Sydney/Regional FTE staff as at 30 June 2013		FTE staff as at 30 June 2013	
Central Sydney	486.73	CEO/SES	5
Regional offices	384.52	Legal officers	440.68
<b>Total staff FTE</b>	<b>871.25</b>	Legal admin support staff	425.57
		<b>Total staff FTE</b>	<b>871.25</b>

NUMBER OF ACTUAL STAFF BY EMPLOYMENT TYPE	2010-2011	2011-2012	2012-2013
Permanent Full Time	584	586	586
Permanent Part Time	154	154	161
Temporary Full Time	167	166	161
Temporary Part Time	61	54	41
Contract SES	6	5	5
Non-SES	0	0	0
Casual	0	0	5
Other	0	0	0
<b>Total</b>	<b>972</b>	<b>965</b>	<b>959</b>

NUMBER OF ACTUAL STAFF BY WORK AREA	2010-2011	2011-2012	2012-2013
Legal officers	481	477	484
Administrative staff	491	488	475
<b>Total</b>	<b>972</b>	<b>965</b>	<b>959</b>

NUMBER OF EXECUTIVE POSITIONS	2010-2011		2011-2012		2012-2013	
	Male	Female	Male	Female	Male	Female
SES Grade						
Level 6*	1	0	1	0	1	0
Level 4	1	1	0	1	1	0
Level 3	0	0	0	0	1	0
Level 2	2	1	2	1	1	1
<b>Total</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>1</b>

\*Bill Grant, CEO Legal Aid NSW, Annual Remuneration: \$320,650.00

# Appendices

## Appendix 3 EEO groups

NUMBER OF ACTUAL STAFF IN DIFFERENT EEO GROUPS	2010-2011	2011-2012	2012-2013
Men	241	256	257
Women	731	709	702
Aboriginal people and Torres Strait Islanders	41	41	41
People from racial, ethnic, ethno-religious minority groups	194	193	153
People whose first language is not English	148	145	61
People with a disability	52	52	37
People with a disability requiring a work-related adjustment	20	20	19
<b>Total</b>	<b>972</b>	<b>965</b>	<b>959</b>

## Parliamentary annual report tables

Table 1: Trends in the representation of EEO groups

% OF TOTAL STAFF

EEO GROUP	BENCHMARK OR TARGET (%)	2010	2011	2012	2013
Women	50	75	76	73	73
Aboriginal people and Torres Strait Islanders	2.6	4	5	4	5
People whose first language is not English	19	14	20	15	16
People with a disability	12	4	6	5	4
People with a disability requiring a work-related adjustment	1.1 (2011) 1.3 (2012) 1.5 (2013)	1.3	3	3	2

Table 2: Trends in the distribution of EEO groups

Distribution Index

EEO GROUP	BENCHMARK OR TARGET (%)	2010	2011	2012	2013
Women	100	86	87	88	88
Aboriginal people & Torres Strait Islanders	100	80	82	82	83
People whose first language is not English	100	101	100	99	93
People with a disability	100	102	96	99	102
People with a disability requiring a work-related adjustment	100	N/A	N/A	95	100

### Notes:

Staff numbers as at 30 June 2013.

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 44 is based on FTE staff.

Explanation for categories **People whose first language is not English; People from racial, ethnic, ethno-religious minority groups; and People with a disability**: The Workforce Profile from which EEO stats are reported was updated from data collected in an EEO staff survey in October 2012. The survey response rate was less than 25%. A decrease in numbers from the previous year may not represent an actual decrease within these categories.



## Appendix 4 Learning and development

COURSES CONDUCTED 1 JULY 2012 TO 30 JUNE 2013	STAFF	PRIVATE LAWYERS	OTHER ORGANISATIONS**	TOTAL
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### Conferences

Civil Law In-house	102	0	0	102
Criminal Law Conference	227	141	22	390
Family Law Conference	139	45	10	194
Care and Protection Conference	89	82	41	212
Children's Legal Services Conference	29	52	1	81
<b>Total</b>	<b>586</b>	<b>320</b>	<b>74</b>	<b>979</b>

### Legal seminars

Generic online CPD* for all practice areas	103	2	9	114
Civil Law CPD	206	2	46	254
Online	58	48	41	147
Criminal Law CPD	148	71	7	226
Online	42	12	1	55
Family Law CPD	239	17	111	367
Online	9	2	1	12
<b>Total</b>	<b>805</b>	<b>154</b>	<b>216</b>	<b>1,175</b>
Team and Culture	83	0	0	83
Online	59	0	0	59
Leadership and Management**	331	0	80	411
Online	15	0	0	15
Customer Service	120	36	81	237
Online	11	3	14	28
Business Skills	488	5	11	504
Online	403	8	17	428
Health and Wellbeing	619	0	20	639
Online	193	1	4	198
<b>Total</b>	<b>2,322</b>	<b>53</b>	<b>227</b>	<b>2,602</b>

### Total seminars, conferences and training sessions

Internal Seminars and Conferences	979
Internal Training Sessions (face-to-face)	1,874
Online	1,056
<b>Total</b>	<b>3,909</b>
<b>Total number of private lawyers attending Legal Aid NSW training</b>	<b>527</b>
<b>Total number of Legal Aid NSW lawyers attending Legal Aid NSW training</b>	<b>2,242</b>

\* Continuous Professional Development

\*\*Aboriginal Legal Services (NSW/ACT) Ltd/ Community Legal Centres /Justice Cluster/Not For Profit and including Management Conference.

# Appendices

## Appendix 5 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 <sup>1</sup>	Elizabeth Evatt Community Legal Centre/ Blue Mountains Women's Health and Resource Centre Inc	189,543
Burwood	Burwood Community Welfare Services Inc	235,630
Central Coast	Central Coast Domestic Violence Court Advocacy Service Inc	311,862
Central West	Housing Plus	184,964
Far South Coast	Southern Women's Group Inc	187,351
Far West	Far West Community Legal Centre Inc	186,869
Hunter	Hunter Women's Domestic Violence Court Service Inc	387,400
Hunter Valley	Carrie's Place Women's and Children's Services Inc	262,522
Illawarra	Wollongong Women's Information Service Inc	304,473
Macarthur	Macarthur Legal Centre	267,011
Macquarie	Macquarie Legal Centre Inc	284,983
Mid-North Coast	Mid-Coast Women's Domestic Violence Court Advocacy Inc	233,713
New England	The Women's Shelter Armidale Inc	194,684
North Coast	Warrina Women and Children's Refuge Co-operative Society Ltd	325,102
North West <sup>2</sup>	Moree Family Support Inc/ Inverell Refuge Centre	173,500
North West Sydney	Hawkesbury Nepean Community Legal Centre	293,313
Northern Rivers	Northern Rivers Community Legal Centre	340,357
Northern Sydney	Centacare Broken Bay	274,012
Riverina	Kulkuna Cottage Women's Refuge Ltd	174,933
South Coast	YWCA NSW	192,307
South Eastern	Molonglo Women's and Children's Services	181,058
South West Sydney	South West Sydney Legal Centre Inc	374,192
Southern	Women's Centre for Health and Wellbeing (Albury-Wodonga) Inc	169,501
Southern Sydney	Sutherland Shire Family Services Inc	374,107
Sydney	Redfern Legal Centre Inc	419,583
Wagga Wagga	Wagga Wagga Family Support Services Inc	210,449
Western	Dubbo Emergency Accommodation Project	312,016
Western Sydney	Penrith Women's Health Centre	335,210
WDVCAS NSW Inc Chairperson <sup>3</sup>	Penrith Women's Health Centre/Macarthur Legal Centre	6,000
Aboriginal Specialist Worker Network Chairperson <sup>4</sup>	The Women's Shelter Armidale Inc/Hawkesbury Nepean Community Legal Centre	6,000
CALD Specialist Worker Chairperson <sup>5</sup>	Centacare Broken Bay/ Macarthur Legal Centre	6,000
WDVCAS NSW Inc (formerly WDVCAS Network Inc)	Peak body for Women's Domestic Violence Court Advocacy Services	90,224
<b>Total</b>		<b>\$7,488,869</b>

### Notes:

Funding for WDVCASs in 2012-13 included \$46,000 to assist with the cost of wage increases associated with the Social and Community Services Modern Award Equal Remuneration Order

<sup>1</sup> Service Provider for Blue Mountains WDVCAS was transferred from Elizabeth Evatt Community Legal Centre to Blue Mountains Women's Health and Resource Centre on 13 August 2012

<sup>2</sup> Service Provider for North West WDVCAS was transferred from Moree Family Support Inc to Inverell Refuge Centre on 21 January 2013

<sup>3</sup> Chairperson of WDVCAS NSW Inc was transferred from an employee of Penrith Women's Health Centre to an employee of Macarthur Legal Centre on 15 November 2012

<sup>4</sup> Chairperson of the Aboriginal Specialist Worker Network was transferred from an employee of The Women's Shelter Armidale to an employee of Hawkesbury Nepean Community Legal Centre on 20 December 2012

<sup>5</sup> Chairperson of the CALD Specialist Worker Network was transferred from an employee of Centacare Broken Bay to an employee of Macarthur Legal Centre on 1 October 2012

## Appendix 6 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	209,282	39,847	90,758	339,887
Central Coast Community Legal Centre	260,520	17,907	175,029	453,456
Community Legal Centres NSW	0	284,694	115,569	400,263
Consumer Credit Legal Centre	427,892	134,107	280,000	841,999
Court Support Scheme	34,393	6,358	5,657	46,408
Domestic Violence Advocacy Service	0	445,807	0	445,807
Elizabeth Evatt Community Legal Service	161,484	181,400	101,877	444,761
Environmental Defender's Office	97,813	194,945	0	292,758
Far West Community Legal Centre	499,441	0	69,998	569,439
Hawkesbury/ Nepean Community Legal Centre	210,916	130,255	154,408	495,579
HIV/AIDS Legal Centre	70,124	87,255	139,996	297,375
Hume Riverina Community Legal Service	0	0	78,613	78,613
Hunter Community Legal Centre	566,769	260,137	20,365	847,271
Illawarra Legal Centre	441,902	205,079	109,102	756,083
Immigration Advice & Rights Centre	101,720	247,165	0	348,885
Inner City Legal Centre	162,425	164,760	74,864	402,049
Intellectual Disability Rights Service	0	0	107,690	107,690
Kingsford Legal Centre	220,257	132,500	0	352,757
Macarthur Legal Centre	285,312	202,192	109,102	596,606
Macquarie Legal Centre	309,126	281,788	226,282	817,196
Marrickville Legal Centre	319,388	293,264	0	612,652
Mid North Coast Community Legal Centre	207,060	116,746	0	323,806
Mt Druitt & Area Community Legal Centre	433,260	17,884	0	451,144
North & North West Community Legal Service	261,352	17,975	107,690	387,017
Northern Rivers Community Legal Centre	461,296	51,413	160,221	672,930
Public Interest Advocacy Centre	128,936	125,058	0	253,994
Redfern Legal Centre	222,755	255,951	0	478,706
Refugee Advice & Casework Service	0	0	107,690	107,690
Shoalcoast Community Legal Centre	454,326	230,451	52,531	737,308
South West Sydney Community Legal Centre	318,384	241,554	0	559,938
Tenants' Union of NSW	77,732	124,758	0	202,490
The Aged-care Rights Service	108,077	2,545	216,198	326,819
Welfare Rights Centre	438,856	125,931	0	564,787
Western NSW Community Legal Centre	465,012	51,702	107,690	624,404
Wirringa Baiya Aboriginal Women's Legal Centre	10,000	478,232	107,690	595,922
Women's Legal Services NSW	1,145,497	330,284	0	1,475,781
Grants for interpreter services	0	44,282	0	44,282
<b>Total paid to CLCs</b>	<b>9,111,307</b>	<b>5,524,227</b>	<b>2,719,018</b>	<b>17,354,552</b>

1. The Commonwealth payments to Illawarra Legal Centre have been reduced by \$35,630 to recognise payment for a sub-contracting arrangement that the Centre has with the Early Intervention Unit of Legal Aid NSW to provide legal services at Wollongong Family Relationship Centre.

2. Commonwealth funding includes recurrent operational funding, one-off funding, funding for legal services to Family Relationship Centres and funding for CLC/Legal Aid NSW partnership projects paid with Legal Aid NSW NPA funding.

3. The PPF funding excludes funding for the Environmental Defender's Office, Public Interest Advocacy Centre and the Sector Development Program at Community Legal Centres NSW as this is directly administered by the PPF and not through the CLC Program managed by Legal Aid NSW.

# Appendices

## Appendix 7 Legal practice operational statistics

LEGAL AID NSW TOTALS	2010-2011	2011-2012	% CHANGE FROM PREVIOUS YEAR	2012-2013	% CHANGE FROM PREVIOUS YEAR
<b>Case Matters</b>					
Applications Received	48,337	47,443	-1.8%	46,759	-1.4%
Applications Refused	8,962	8,906	-0.6%	9,150	2.7%
Inhouse Grants	12,795	12,819	0.2%	12,613	-1.6%
Assigned Grants	26,073	25,932	-0.5%	25,387	-2.1%
<b>Total Case Grants</b>	<b>38,868</b>	<b>38,751</b>	<b>-0.3%</b>	<b>38,000</b>	<b>-1.9%</b>
Grant Rate	81.3%	81.3%	0.1%	80.6%	-0.9%
Applications Determined	47,830	47,657	-0.4%	47,150	-1.1%
Applications Undetermined at year end	1,871	1,517	-18.9%	1,205	-20.6%
Grants Finalised	35,412	27,318	-22.9%	43,111	57.8%
Current Grants on Hand at year end	47,960	60,966	27.1%	52,724	-13.5%
<b>Duty Services</b>					
Inhouse Duty Services	103,630	108,198	4.4%	107,352	-0.8%
Assigned Duty Services	64,377	63,546	-1.3%	64,836	2.0%
<b>Total Duty Services</b>	<b>168,007</b>	<b>171,744</b>	<b>2.2%</b>	<b>172,188</b>	<b>0.3%</b>
<b>Other Services</b>					
Advice	85,239	86,271	1.2%	92,854	7.6%
Minor assistance	12,076	25,076	107.7%	35,865	43.0%
Information	514,060	609,299	18.5%	633,743	4.0%
<b>Total Other Services</b>	<b>611,375</b>	<b>720,646</b>	<b>17.9%</b>	<b>762,462</b>	<b>5.8%</b>
<b>Total Client Services</b>	<b>818,250</b>	<b>931,141</b>	<b>13.8%</b>	<b>972,650</b>	<b>4.5%</b>

### CRIMINAL LAW

<b>Case Matters</b>					
Applications Received	27,431	26,856	-2.1%	27,012	0.6%
Applications Refused	3,080	3,257	5.7%	3,518	8.0%
Inhouse Grants	9,313	9,110	-2.2%	9,228	1.3%
Assigned Grants	14,629	14,655	0.2%	14,666	0.1%
<b>Total Case Grants</b>	<b>23,942</b>	<b>23,765</b>	<b>-0.7%</b>	<b>23,894</b>	<b>0.5%</b>
Grant Rate	88.6%	87.9%	-0.7%	87.2%	-0.9%
Applications Determined	27,022	27,022	0.0%	27,412	1.4%
Applications Undetermined at year end	886	686	-22.6%	314	-54.2%
Grants Finalised	22,728	18,567	-18.3%	24,759	33.3%
Current Grants on Hand at year end	19,614	25,223	28.6%	24,108	-4.4%
<b>Duty Services</b>					
Inhouse Duty Services	96,519	97,777	1.3%	97,356	-0.4%
Assigned Duty Services	53,791	51,857	-3.6%	52,177	0.6%
<b>Total Duty Services</b>	<b>150,310</b>	<b>149,634</b>	<b>-0.4%</b>	<b>149,533</b>	<b>-0.1%</b>
<b>Other Services</b>					
Advice	31,711	29,015	-8.5%	29,789	2.7%
Minor assistance	249	3,294	1222.9%	4,817	46.2%
Information	219,232	268,846	22.6%	296,655	10.3%
<b>Total Other Services</b>	<b>251,192</b>	<b>301,155</b>	<b>19.9%</b>	<b>331,261</b>	<b>10.0%</b>
<b>Total Client Services</b>	<b>425,444</b>	<b>474,554</b>	<b>11.5%</b>	<b>504,688</b>	<b>6.3%</b>

## Appendix 7 Legal practice operational statistics

FAMILY LAW	2010-2011	2011-2012	% CHANGE FROM PREVIOUS YEAR	2012-2013	% CHANGE FROM PREVIOUS YEAR
<b>Case Matters</b>					
Applications Received	18,077	17,603	-2.6%	17,381	-1.3%
Applications Refused	4,774	4,506	-5.6%	4,595	2.0%
Inhouse Grants	2,489	2,777	11.6%	2,594	-6.6%
Assigned Grants	10,752	10,332	-3.9%	10,134	-1.9%
<b>Total Case Grants</b>	<b>13,241</b>	<b>13,109</b>	<b>-1.0%</b>	<b>12,728</b>	<b>-2.9%</b>
Grant Rate	73.5%	74.4%	1.3%	73.5%	-1.3%
Applications Determined	18,015	17,615	-2.2%	17,323	-1.7%
Applications Undetermined at year end	781	679	-13.1%	762	12.2%
Grants Finalised	11,133	7,309	-34.3%	16,704	128.5%
Current Grants on Hand at year end	25,252	32,201	27.5%	25,344	-21.3%
<b>Duty Services</b>					
Inhouse Duty Services	3,693	6,766	83.2%	7,253	7.2%
Assigned Duty Services	1,705	1,865	9.4%	1,966	5.4%
<b>Total Duty Services</b>	<b>5,398</b>	<b>8,631</b>	<b>59.9%</b>	<b>9,219</b>	<b>6.8%</b>
<b>Other Services</b>					
Advice	28,987	30,320	4.6%	30,138	-0.6%
Minor assistance	6,161	10,968	78.0%	14,761	34.6%
Information	127,041	147,424	16.0%	146,259	-0.8%
<b>Total Other Services</b>	<b>162,189</b>	<b>188,712</b>	<b>16.4%</b>	<b>191,158</b>	<b>1.3%</b>
<b>Total Client Services</b>	<b>180,828</b>	<b>210,452</b>	<b>16.4%</b>	<b>213,105</b>	<b>1.3%</b>

### CIVIL LAW

<b>Case Matters</b>					
Applications Received	2,829	2,984	5.5%	2,366	-20.7%
Applications Refused	1,108	1,143	3.2%	1,037	-9.3%
Inhouse Grants	993	932	-6.1%	790	-15.2%
Assigned Grants	692	945	36.6%	588	-37.8%
<b>Total Case Grants</b>	<b>1,685</b>	<b>1,877</b>	<b>11.4%</b>	<b>1,378</b>	<b>-26.6%</b>
Grant Rate	60.3%	62.2%	3.0%	57.1%	-8.2%
Applications Determined	2,793	3,020	8.1%	2,415	-20.0%
Applications Undetermined at year end	204	152	-25.5%	129	-15.1%
Grants Finalised	1,551	1,442	-7.0%	1,648	14.3%
Current Grants on Hand at year end	3,094	3,542	14.5%	3,272	-7.6%
<b>Duty Services</b>					
Inhouse Duty Services	3,418	3,655	6.9%	2,743	-25.0%
Assigned Duty Services	8,881	9,824	10.6%	10,693	8.8%
<b>Total Duty Services</b>	<b>12,299</b>	<b>13,479</b>	<b>9.6%</b>	<b>13,436</b>	<b>-0.3%</b>
<b>Other Services</b>					
Advice	24,541	26,936	9.8%	32,927	22.2%
Minor assistance	5,666	10,814	90.9%	16,287	50.6%
Information	167,787	193,029	15.0%	190,829	-1.1%
<b>Total Other Services</b>	<b>197,994</b>	<b>230,779</b>	<b>16.6%</b>	<b>240,043</b>	<b>4.0%</b>
<b>Total Client Services</b>	<b>211,978</b>	<b>246,135</b>	<b>16.1%</b>	<b>254,857</b>	<b>3.5%</b>

# Appendices

## Appendix 7 Legal practice operational statistics

INHOUSE AND PRIVATE LAWYERS ALLOCATION OF LEGAL WORK	INHOUSE LAWYER	INHOUSE LAWYER %	PRIVATE LAWYER	PRIVATE LAWYER %	TOTAL
<b>Family law</b>					
Duty Services	7,253	78.7%	1,966	21.3%	9,219
Grants of Legal Aid	2,594	20.4%	10,134	79.6%	12,728
<b>Total</b>	<b>9,847</b>	<b>44.9%</b>	<b>12,100</b>	<b>55.1%</b>	<b>21,947</b>
<b>Criminal law</b>					
Duty Services	97,356	65.1%	52,177	34.9%	149,533
Grants of Legal Aid	9,228	38.6%	14,666	61.4%	23,894
<b>Total</b>	<b>106,584</b>	<b>61.5%</b>	<b>66,843</b>	<b>38.5%</b>	<b>173,427</b>
<b>Civil law</b>					
Duty Services	2,743	20.4%	10,693	79.6%	13,436
Grants of Legal Aid	790	57.3%	588	42.7%	1,378
<b>Total</b>	<b>3,533</b>	<b>23.9%</b>	<b>11,281</b>	<b>76.1%</b>	<b>14,814</b>
<b>Legal Aid NSW total</b>					
Duty Services	107,352	62.3%	64,836	37.7%	172,188
Grants of Legal Aid	12,613	33.2%	25,387	66.8%	38,000
<b>Total</b>	<b>119,965</b>	<b>57.1%</b>	<b>90,223</b>	<b>42.9%</b>	<b>210,188</b>

FAMILY LAW CONFERENCES*	2009-2010	2010-2011	2011-2012	% CHANGE FROM PREVIOUS YEAR	2012-2013	% CHANGE FROM PREVIOUS YEAR
Number of conferences	2,573	2,537	2,667	5.1%	2,665	-0.1%
Agreements reached	2,078	2,037	2,110	3.6%	2,134	1.1%
Agreement rate	80.8%	80.3%	79.1%	-1.5%	80.1%	1.2%

\*These figures now include State family law conferences conducted in the care and protection jurisdiction. Family conferences previously reported were in Commonwealth law only.

COMMUNITY LEGAL EDUCATION	2009-2010	2010-2011	2011-2012	% CHANGE FROM PREVIOUS YEAR	2012-2013	% CHANGE FROM PREVIOUS YEAR
Criminal Law	242	424	421	-0.7%	755	-0.7%
Family Law	759	933	915	-1.9%	774	-1.9%
Civil Law	424	791	875	10.6%	986	10.6%
<b>Total</b>	<b>1,425</b>	<b>2,148</b>	<b>2,211</b>	<b>2.9%</b>	<b>2,515</b>	<b>2.9%</b>

## Appendix 7 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	4,188	32.9%	8,540	67.1%	12,728
Duty Services	3,497	37.9%	5,722	62.1%	9,219
Advice	2,706	9.0%	27,432	91.0%	30,138
Minor Assistance	1,144	7.8%	13,617	92.2%	14,761
Information Services	18,549	12.7%	127,710	87.3%	146,259
<b>Total</b>	<b>30,084</b>	<b>14.1%</b>	<b>183,021</b>	<b>85.9%</b>	<b>213,105</b>
<b>Criminal law</b>					
Grants	23,397	97.9%	497	2.1%	23,894
Duty Services	146,594	98.0%	2,939	2.0%	149,533
Advice	28,924	97.1%	865	2.9%	29,789
Minor Assistance	4,731	98.2%	86	1.8%	4,817
Information Services	277,867	93.7%	18,788	6.3%	296,655
<b>Total</b>	<b>481,513</b>	<b>95.4%</b>	<b>23,175</b>	<b>4.6%</b>	<b>504,688</b>
<b>Civil law</b>					
Grants	1,006	73.0%	372	27.0%	1,378
Duty Services	13,436	100.0%	-	0.0%	13,436
Advice	22,401	68.0%	10,526	32.0%	32,927
Minor Assistance	8,871	54.5%	7,416	45.5%	16,287
Information Services	144,924	75.9%	45,905	24.1%	190,829
<b>Total</b>	<b>190,638</b>	<b>74.8%</b>	<b>64,219</b>	<b>25.2%</b>	<b>254,857</b>
<b>Legal Aid NSW total</b>					
Grants	28,591	75.2%	9,409	24.8%	38,000
Duty Services	163,527	95.0%	8,661	5.0%	172,188
Advice	54,031	58.2%	38,823	41.8%	92,854
Minor Assistance	14,746	41.1%	21,119	58.9%	35,865
Information Services	441,340	69.6%	192,403	30.4%	633,743
<b>Total</b>	<b>702,235</b>	<b>72.2%</b>	<b>270,415</b>	<b>27.8%</b>	<b>972,650</b>

## Appendix 8 Law reform submissions

In 2012-2013, Legal Aid NSW made 34 submissions to a variety of law reform bodies on a wide range of issues affecting our clients and the functions of Legal Aid NSW.

### Criminal law submissions

Inquiry into the value of a justice reinvestment approach to criminal justice in Australia (Senate Legal and Constitutional Affairs Committee) March 2013

*Law Enforcement (Powers and Responsibilities) Act 2002* Part 3, Division 4: Removal of Face Coverings for Identification Purposes (NSW Ombudsman) February 2013

People with cognitive and mental health impairments in the criminal justice system—Question Paper 2—fitness to plead guilty (NSW Law Reform Commission) December 2012

Domestic violence information sharing (NSW Department of Attorney General and Justice) October 2012

Police issued ADVOs (NSW Department of Attorney General and Justice) October 2012

Forum sentencing program (NSW Department of Attorney General and Justice) September 2012

Review of *Crimes (Sentencing Procedure) Act 1999* – Question Papers 8-12 (NSW Law Reform Commission) September 2012

Inquiry into the exploitation of women through trafficking (Community Relations Commission) August 2012

People with cognitive and mental health impairments in the criminal justice system – Question Paper 1 – Apprehended Violence Orders (NSW Law Reform Commission) August 2012

Review of *Crimes (Sentencing Procedure) Act 1999* – Question Papers 5-7 (NSW Law Reform Commission) August 2012

Statutory Review of *Graffiti Control Act 2008*, NSW Department of Attorney General and Justice August 2012

Inquiry into the partial defence of provocation (Legislative Council Select Committee on the Partial Defence of Provocation) August 2012

Excluding lawyers from jury service (NSW Department of Attorney General and Justice) August 2012

Bail Enforcement Conduct Directions (NSW Department of Attorney General and Justice) July 2012

Review of Table Offences *Criminal Procedure Act 1986* (NSW Department of Attorney General and Justice) July 2012

### Family law submissions

National Legal Aid Submission to the Inquiry into the impact of Federal Court fee increases since 2010 on access to justice in Australia (Senate Legal and Constitutional Affairs Committee) April 2013

Child Protection Legislation Reform (NSW Department of Family and Community Services) March 2013

*Children and Young Persons (Care and Protection) Regulation 2000* Statutory Review (NSW Department of Family and Community Services) supplementary submission July 2012

### Civil law submissions

Exposure Draft Insurance Contracts Amendment (Unfair Terms) Bill 2013 (Treasury) June 2013 (joint submission)

Security for costs and associated orders (NSW Law Reform Commission) June 2013

Exposure Draft of the Public Housing Tenants' Support Bill 2013 (Department of Families, Housing, Community Services and Indigenous Affairs) April 2013

Employment Services – 'Building on Success' Issues Paper (Department of Education, Employment and Workplace Relations) March 2013

Inquiry into drug and alcohol treatment (Legislative Council General Purpose Standing Committee No. 2) March 2013

Inquiry into racial vilification law in NSW (Legislative Council Standing Committee on Law and Justice) March 2013

Review of the effectiveness of an online database for small amount lenders (Australian Securities and Investment Commission) February 2013

Draft Human Rights and Anti-Discrimination Bill 2012 (Senate Legal and Constitutional Affairs Committee) January 2013

Inquiry into the National Disability Insurance Scheme Bill (Senate Standing Committee on Community Affairs) January 2013

Response to Insurance Contracts Amendment Bill 2013 (Treasury) December 2012 (joint submission)

Review of ADHC justice services policy (Ageing Disability and Home Care) December 2012

Review of *Mental Health Act 2007* (Ministry of Health) December 2012

Draft Civil Procedure Regulation 2012 (NSW Department of Attorney General and Justice) August 2012

Homelessness Bill Exposure Draft (Department of Families, Housing, Community Services and Indigenous Affairs) August 2012

Evidence requirements for making a non-judicial claim of family violence under the *Migration Regulations 1994* (Department of Immigration and Citizenship) August 2012

### General submissions

Consultation draft commentary to the Australian Solicitors' Conduct Rules (Law Council of Australia) November 2012

Consultation paper – birth registration and birth certificates (Victorian Law Reform Commission) November 2012



## Appendix 9 Right to information

Obligations under the *Government Information (Public Access) Act 2009*

### 1. Review of proactive release program - Clause 7(a)

Under section 7 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 updated 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	1	0	0	0	0	0	0
Members of the public (application by legal representative)	1	0	0	1	0	0	0	0
Members of the public (other)	2	7	0	0	0	2	0	0

\*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*	2	1	0	1	0	1	0	0
Access applications (other than personal information applications)	2	2	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	5	0	0	0	1	0	0

\*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).

# Appendices

**Table C: Invalid applications: Reason for invalidity**

NUMBER OF APPLICATIONS

Application does not comply with formal requirements (section 41 of the Act)	1
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	1
Invalid applications that subsequently became valid applications	1

**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	1
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	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	4
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Secrecy provisions	0
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)	13
Decided after 35 days (by agreement with applicant)	1
Not decided within time (deemed refusal)	1
<b>Total</b>	<b>15</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	3	4
Review by Information Commissioner*	0	1	2
Internal review following recommendation under section 93 of Act	2	0	2
Review by ADT	0	0	1
<b>Total</b>	<b>2</b>	<b>4</b>	<b>9</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	7
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	2

## Appendix 10 Multicultural and Disability Action Plans

<h3>Multicultural Action Plan</h3>	<p>The <i>Multicultural Action Plan 2012–2013</i> was developed against the four core priorities of the <i>Legal Aid NSW Plan</i>. The achievements below are reported against the activity areas of the Multicultural Policies and Services Program (MPSP).</p>
<p>Activity areas</p>	<p><b>What we achieved</b></p>
<p>Planning and evaluation</p>	<ul style="list-style-type: none"> <li>Developed a new <i>Diversity Action Plan 2013–2014</i> incorporating strategies which comply with the Multicultural Policies and Services Program</li> <li>Worked with emerging migrant communities to gain understanding of particular cultures, their legal needs and the barriers they experience in accessing legal assistance</li> </ul>
<p>Capacity building and resourcing</p>	<ul style="list-style-type: none"> <li>Conducted a survey of staff in western Sydney to identify gaps in cultural competence required for working with African clients</li> <li>Collaborated with workers from emerging migrant communities to develop resources aimed at building the cultural competence of our staff</li> <li>Delivered cultural awareness training for staff working with clients from Afghanistan, Iran, Iraq and African countries through partnerships with migrant community workers</li> </ul>
<p>Programs and services</p>	<ul style="list-style-type: none"> <li>Developed a brochure on domestic violence and temporary partner visas translated into 13 community languages</li> <li>Delivered nine community legal education workshops in <i>What's the Law?</i> for teachers and settlement workers working with newly arrived migrants</li> <li>Continued to provide interpreter and translation services (\$1,208,604) including funding to community legal centres for these services.</li> <li>Trialled signage at five Legal Aid NSW offices advising clients of the languages spoken at those offices by our staff</li> </ul>
<h3>Disability Action Plan</h3>	<p>The <i>Disability Action Plan 2012–2013</i> was developed against the four core priorities of the <i>Legal Aid NSW Plan</i>. The achievements below are reported against the relevant outcome areas for government agencies providing universal services.</p>
<p>Outcome areas</p>	<p><b>What we achieved</b></p>
<p>Identifying and removing barriers to services for people with disability</p>	<ul style="list-style-type: none"> <li>Further developed our Work and Development Order Service which enables disadvantaged people, particularly those with mental illness or intellectual disability, to work off their fines by doing unpaid work or undertaking counselling treatment or courses</li> <li>Redrafted standard letters and documents to clients regarding grants of legal aid to ensure the use of plain language</li> </ul>
<p>Providing information and services in a range of accessible formats</p>	<ul style="list-style-type: none"> <li>Produced a video in Auslan providing information about Legal Aid NSW services</li> <li>Implemented captioning as a standard process for new audio-visual resources</li> </ul>
<p>Increasing employment participation of people with a disability in the NSW public sector</p>	<ul style="list-style-type: none"> <li>Provided work training and mentoring placements for people with disability referred by external organisations</li> <li>Conducted a survey of staff with disability to better understand the needs of these staff and to determine how well existing strategies are working</li> <li>Five staff members commenced a mentoring program to assist students and job seekers with disability to gain understanding of the workforce</li> </ul>

# Appendices

## Appendix 11 Private law firm expenditure

Expenditure across private law firms that received the 20 highest aggregate payments for legal aid services

FIRM NAME	CASE PAYMENTS \$	NUMBER OF FILES FOR CASE CLAIMS	DUTY PAYMENTS \$	NUMBER OF DUTY CLAIMS	TOTAL CASE AND DUTY PAYMENTS* \$
Crimlaw Criminal Defence Lawyers Pty Ltd	916,096	179	22,500	28	938,596
Nyman Gibson Stewart	920,648	176			920,648
Blair Criminal Lawyers Pty Limited	887,945	112			887,945
Marsdens	800,164	375	8,888	18	809,051
Blue Water Legal	694,500	436	34,938	85	729,438
Mark Klees & Associates	540,431	279	145,363	168	685,793
Douglass & Ford Criminal Law	496,686	347	72,675	214	569,361
Firth Scott Lawyers Pty Ltd	534,155	249	34,275	74	568,430
Macquarie Lawyers (Burwood)	560,197	77			560,197
Universal Law	453,640	200	52,400	81	506,040
Hadden Kemp Solicitors Pty Ltd	443,307	228	59,104	116	502,411
Matthew Hammond Solicitors	362,041	111	87,400	107	449,441
O'Brien Solicitors	391,639	179	46,413	57	438,052
Parks Coady Family Lawyers Pty Ltd	425,321	216	7,563	18	432,884
Mark Rumore	427,809	72	1,613	2	429,421
Mahony Family Lawyers	386,658	203	33,038	64	419,695
Stanfords	411,408	224	2,250	8	413,658
O'Brien Winter Partners Pty Ltd	292,724	216	106,750	194	399,474
Matouk Joyner Lawyers	398,262	48			398,262
Advantage Lawyers	328,455	138	64,275	77	392,730

### Notes:

Individual cases vary in duration and complexity and individual firms vary in size and capacity to undertake legal aid services.

\* These figures include disbursements as well as legal costs which can include counsel's fees and expert reports.

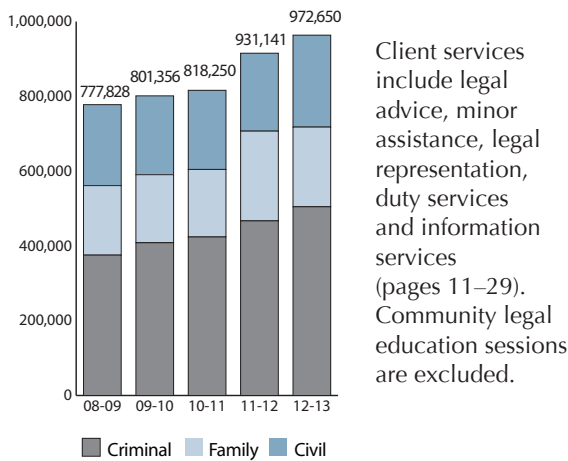
# Index

- Aboriginal and Torres Strait Islander people 14–15, 38–39, 44  
accommodation 48  
accountability 58  
activity-based costing 47  
**annual report format 1**  
Auditing 2, 33, 35, 52, 56, 57  
auditor's report 65–66, 96–97
- Board 2, 52–53, 56  
**business hours** back cover  
Business intelligence 6, 9, 48
- cases 21, 23, 25  
Chair's report 2  
Chief Executive Officer 3–4, 54, 56, 95, 116  
child protection 22  
child support 11, 22  
civil law 16, 24–25, 29, 41, 46, 123  
Client Assessment and Referral Service 26  
clients 6–7, 13–29, 62  
**committees** 2, 116  
Commonwealth benchmarks 7  
Community Legal Centres 34–35, 121  
community legal education 11, 27–28, 124, 132  
community programs 34–36, 62  
complaints handling 58  
**consultants** 113  
Cooperative Legal Service Delivery Program 9, 15, 31, 36–37, 47  
corporate planning 56  
corruption 57  
**credit card certification** 61  
criminal law 8, 20–21, 29, 45–46, 122  
cultural diversity 14, 28, 38
- Disability Action Plan** 29  
**Diversity Action Plan** 28, 129  
domestic violence 3, 8, 18, 20, 36, 38, 45  
duty lawyer services 8, 11
- early intervention services 7, 17  
EEO 44–45, 118  
**energy savings** 49  
**environmental responsibility** 49  
Executive Directors 54–55
- family dispute resolution 12, 22  
family law 12, 17, 22–23, 29, 46, 123, 124,
- financial statements**  
the Commission 63–93  
the Office 94–114  
financial summary 60–62  
**freedom of information** 59, 127–128
- governance** 50–59  
highlights 5  
homelessness 26, 46  
**human resources** see staff  
information technology 48  
**insurance** 73  
justice forums 39–40
- key performance indicators 6  
law reform 29, 126  
LawAccess NSW 7, 11, 31  
Legal Aid Commission Act 1979 10, 56  
Legal Aid NSW Plan 1, 2, 5  
Legal Aid Review Committees 58  
Legal Australia-Wide (LAW) Survey 7, 16, 31  
legal practice operational statistics 122–125  
**legislation** 10, 20–21, 22  
legislative compliance 59  
**letter of submission** inside cover
- Multicultural Action Plan** 28, 48, 129  
National Legal Aid 31, 39–40  
National Partnership Agreement 7, 8  
NSW Legal Assistance Forum 31, 40
- organisation chart 51  
**organisational structure** 10, 51  
outreach services 3, 8, 41, 133  
overview 6–7, 12  
panels 9, 32–33, 133  
partnerships with other agencies 4, 7, 9, 30–41  
performance measurement 6, 10  
performance trends 132–133  
**Privacy and Personal Information Protection Act 1998** 59  
private law firm expenditure 130  
private lawyers 10, 31–33, 44, 124, 133  
professional standards 33  
public interest disclosures 59  
publications 11, 48
- Reconciliation Action Plan* 2013–2015 2, 3, 8, 14, 39  
regional partnerships 15, 36–38  
reviews 7, 46  
**right to information** 59, 127–128  
**risk management** 2, 56
- savings measures 4, 15  
social media 19, 31, 34  
specialist services 12  
staff 42–49  
Aboriginal 9, 44  
health and wellbeing 4, 43  
**human resources information** 117  
statistics 10, 43–44  
training 44–45  
surveys 7, 16, 31
- waste reduction** 49  
Web conferencing 18  
Women's Domestic Violence Court Advocacy Program 31, 35–36, 62, 120  
Work and Development Order Scheme 4, 12, 14, 15, 24, 27  
workers' compensation 2, 43–44  
young people 12, 34

# Five-year performance trends

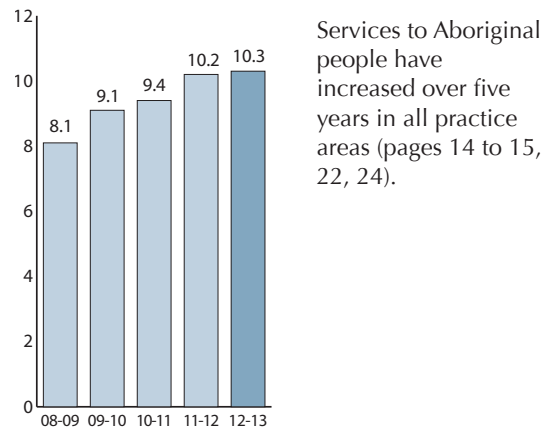
## There has been a steady increase in client services

### Total client services by law type



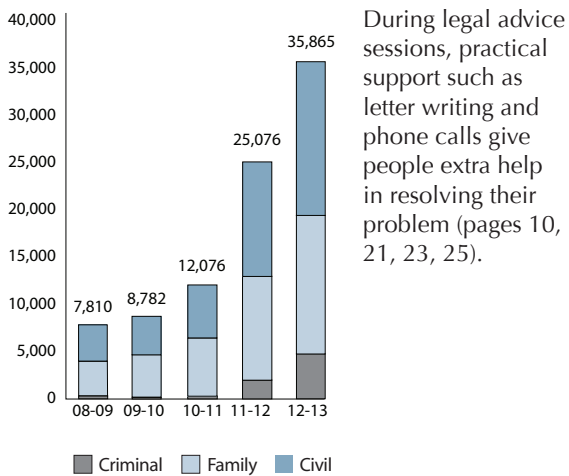
## We have increased our services to Aboriginal clients

### Percentage of total case and inhouse duty services provided to Aboriginal clients



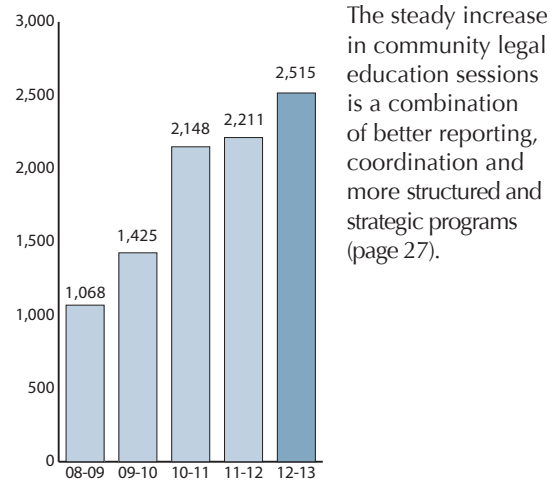
## Minor assistance services have continued to grow significantly

### Minor assistance services



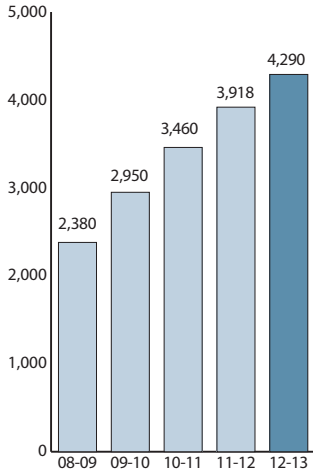
## Community legal education sessions increased significantly in five years

### Total community legal education sessions



## Private lawyer appointments on panels have increased by 80%

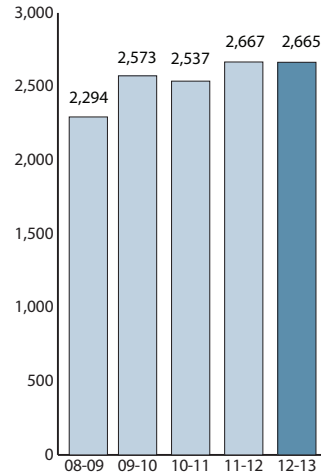
### Lawyer appointments on panels



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

## Conferences have grown by 16% over five years

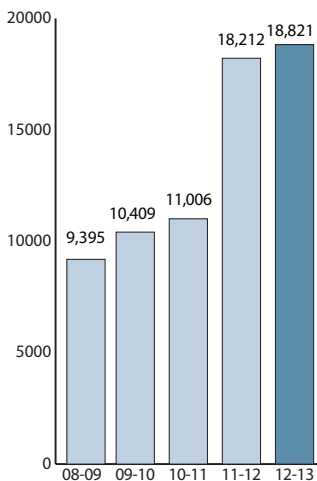
### Total family law mediation conferences



We continue to assist growing numbers of clients to resolve their family law disputes without going to court (page 22). Note: These figures now include family conferences in the care and protection jurisdiction.

## A significant increase in audiovisual use since inception

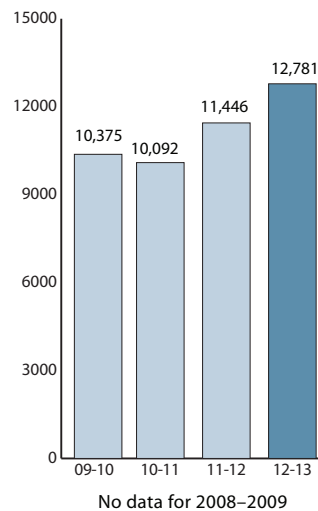
### AVL conferences held



Legal Aid NSW staff use audiovisual link services to conduct interviews and bail applications.

## We have increased our outreach advice services by 23%

### Total outreach services



A review showed outreach services are reaching our target clients (page 17).

Call LawAccess NSW on 1300 888 529 for help over the phone, or your nearest Legal Aid NSW office to arrange a free advice interview.

## Legal Aid NSW offices

### CENTRAL SYDNEY

323 Castlereagh St  
SYDNEY NSW 2000  
PO Box K847  
HAYMARKET NSW 1238  
Tel: 9219 5000  
TTY: 9219 5126

### METROPOLITAN OFFICES

#### BANKSTOWN

Level 8 Civic Tower  
66–72 Rickard Rd  
BANKSTOWN 2200  
Tel: 9707 4555

#### BLACKTOWN

Suite 36–37  
'Kildare Court' Level 2  
13–17 Kildare Rd  
BLACKTOWN 2148  
Tel: 9621 4800

#### BURWOOD

Level 4  
74–76 Burwood Rd  
BURWOOD 2134  
Tel: 9747 6155  
TTY: 9747 0214

#### CAMPBELLTOWN

Suite 1 Level 4  
171–179 Queen St  
CAMPBELLTOWN 2560  
Tel: 4628 2922

#### FAIRFIELD

Suite 1 Level 2  
25 Smart St  
FAIRFIELD 2165  
Tel: 9727 3777

#### LIVERPOOL

Level 4 Interdell Centre  
47 Scott St  
LIVERPOOL 2170  
Tel: 9601 1200

### PARRAMATTA

Civil & Family Law  
Level 5 91 Phillip St  
PARRAMATTA 2150  
Tel: 9891 1600

Parramatta Criminal Law  
Parramatta Justice Precinct  
Level 1160 Marsden St  
PARRAMATTA 2150  
Tel: 8688 3800  
TTY: 9687 7538

### PENRITH

95 Henry St  
PENRITH 2750  
Tel: 4732 3077

### SUTHERLAND

Ground floor  
3–5 Stapleton Ave  
SUTHERLAND 2232  
Tel: 9521 3733

### REGIONAL OFFICES

#### COFFS HARBOUR

41 Little St  
COFFS HARBOUR 2450  
Tel: 6651 7899

#### DUBBO

64 Talbragar St  
DUBBO 2830  
Tel: 6885 4233

#### GOSFORD

92–100 Donnison St  
GOSFORD 2250  
Tel: 4324 5611

#### LISMORE

Suite 6 Level 4  
29 Molesworth St  
LISMORE 2480  
Tel: 6621 2082

#### NEWCASTLE

Level 2 51–55 Bolton St  
NEWCASTLE 2300  
Tel: 4929 5482

### NOWRA

Level 2 59 Berry St  
NOWRA 2541  
Tel: 4422 4351

### ORANGE

Suite 4 95 Byng St  
ORANGE 2800  
Tel: 6362 8022

### TAMWORTH

Level 1  
424–426 Peel St  
TAMWORTH 2340  
Tel: 6766 6322

### WAGGA WAGGA

Ground floor  
74–76 Fitzmaurice St  
WAGGA WAGGA 2650  
Tel: 6921 6588

### WOLLONGONG

Ground floor  
73 Church St  
WOLLONGONG 2500  
Tel: 4228 8299

### OFFICE HOURS:

Central Sydney:  
8.30am to 5.30pm  
All other offices:  
9.00am to 5.00pm



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**Legal Aid**  
NEW SOUTH WALES

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